EXHIBIT B51

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 2 of 68 PageID: 51693

Patrick Downey

Page 259

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

IN RE: JOHNSON & JOHNSON)
TALCUM POWDER PRODUCTS)
MARKETING, SALES PRACTICES)
AND PRODUCTS LIABILITY)
LITIGATION)
THIS DOCUMENT RELATES TO ALL)
CASES)

MDL NO. 16-2738(FLW)(LHG)

PURSUANT TO NOTICE, the 30(b)(6) deposition of IMERYS TALC AMERICA, INC., through the testimony of PATRICK DOWNEY, VOLUME II, was taken on behalf of the Plaintiffs, at Gordon & Rees, 555 Seventeenth Street, Suite 3400, Denver, Colorado, on August 8, 2018, commencing at 9:02 a.m., before Melanie L. Giamarco, Registered Professional Reporter, Certified Realtime Reporter, and Notary Public within Colorado.

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 3 of 68 PageID: 51694

Patrick Downey

	Page 260			Page	262
1 2	A P P E A R A N C E S For the Plaintiffs' Steering Committee:	1 2	I N D E X EXAMINATION OF PATRICK DOWNEY:	PAGE	
3	BEASLEY, ALLEN, CROW, METHVIN, PORTIS & MILES, P.C. BY: P. LEIGH O'DELL, ESQ.	3	August 8, 2018		
5	JENNIFER K. EMMEL, ESQ. 218 Commerce Street	4	By Ms. O'Dell 267, 513		
6	Post Office Box 4160 Montgomery, Alabama 36103	5	By Ms. Scott 414		
7	ASHCRAFT & GEREL, LLP	6	By Mr. Prost 505, 512		
8	By: MICHELLE A. PARFITT, ESQ. 4900 Seminary Road, Suite 650	7	EXHIBITS		
9	Alexandria, Virginia 22311	8	EXHIBIT DESCRIPTION PAGE		
10	MOTLEY RICE, LLC BY: CARMEN SESSIONS SCOTT, ESQ. 28 Bridgeside Boulevard	9 10	Exhibit 24 PowerPoint entitled "Luzenac 269 America Argonaut Mine Vermont		
11 12	Mt. Pleasant, South Carolina 29464 For Personal Care Products Council:		Exhibit 25 7/31/06 memo to Ray from 278		
	SEYFARTH SHAW, LLP	11	McCarthy, re: Vermont Market Plant 2006-2010		
13	BY: THOMAS T. LOCKE, ESQ. 975 F Street, N.W.	12 13	IMERYS 132823 - IMERYS 132832 Exhibit 26 PowerPoint entitled "Luzenac 280		
14 15	Washington, D.C. 20004	14	America Argonaut Mine Vermont," August 18		
16	For PharmaTech Industries: TUCKER ELLIS, LLP	15	Exhibit 27 Compilation of documents in 284		
17	BY: TARIQ M. NAEEM, ESQ. 950 Main Avenue, Suite 1100	16	file entitled "Section #2" IMERYS 427326 - IMERYS 427415		
18	Cleveland, Ohio 44113	17	Exhibit 28 Typewritten core log 304 IMERYS 499053		
19	For Johnson & Johnson ORRICK, HERRINGTON & SUTCLIFFE, LLP	18	Exhibit 29 Argonaut 1973 Core Drill Log 306		
20	BY: SHASHA Y. ZOU, ESQ. 51 West 52nd Street	19 20	IMERYS 499052 Exhibit 30 Argonaut 1973 Core Drill Log 308		
21 22	New York, New York 10019		IMERYS 427419		
	For Imerys:	21	Exhibit 31 Luzenac America, Argonaut 310		
23	COUGHLIN DUFFY, LLP BY: MARK K. SILVER, ESQ.	22	Mine Drill log IMERYS 469419 - IMERYS 469427		
24	350 Mount Kemble Avenue Post Office Box 1917	23 24			
25	Morristown, New Jersey 07962	25			
	Page 261			Page	263
1 2	(Cont'd) APPEARANCES:	1	(Cont'd) EXHIBITS		
3	For Imerys:	2	EXHIBIT DESCRIPTION PAGE		
4	SANDBERG, PHOENIX & von GONTARD, P.C.	3			
4	BY: MARK A. PROST, ESQ. 600 Washington Avenue, 15th Floor	4	Stage Final Product		
5	St. Louis, Missouri 63101	5	Comparison Drill Samples IMERYS 469412 - IMERYS 469417		
6	ALSTON & BIRD, LLP BY: SARAH O'DONOHUE, ESQ.	6	Exhibit 33 Compilation of core logs and 313 bore hole data		
7	One Atlantic Center	7 8	IMERYS 427428 - IMERYS 427445 Exhibit 34 3/31/03 Technical Report to 316		
8	1201 West Peachtree Street Atlanta, Georgia 30309	9	Crouse from Rothschopf IMERYS 499264		
9	GORDON REES SCULLY MANSUKHANI, LLP	10	Exhibit 35 Compilation of documents 318 IMERYS 426677 - IMERYS 426695		
10	BY: KENNETH J. FERGUSON, ESQ. 816 Congress Avenue, Suite 1510	11	Exhibit 36 Compilation of drilling 319		
	Austin, Texas 78701	12	charts IMERYS 499336		
11			IMEK 13 499330		
	Also Present:	13			
11		13 14	Exhibit 37 9/29/06 memo to Kinneberg 324 from Marek, reference:		
12	Also Present: Joel Oriat, Videographer	14 15	Exhibit 37 9/29/06 memo to Kinneberg 324 from Marek, reference: Vermont Discussion Topics IMERYS 499485 - IMERYS 499487		
12 13 14		14 15 16	Exhibit 37 9/29/06 memo to Kinneberg from Marek, reference: Vermont Discussion Topics IMERYS 499485 - IMERYS 499487 Exhibit 38 TEM Asbestos Analysis of 327 Argonaut Product Composites		
12 13 14 15 16		14 15	Exhibit 37 9/29/06 memo to Kinneberg 324 from Marek, reference: Vermont Discussion Topics IMERYS 499485 - IMERYS 499487 Exhibit 38 TEM Asbestos Analysis of 327		
12 13 14 15 16 17		14 15 16	Exhibit 37 9/29/06 memo to Kinneberg 324 from Marek, reference: Vermont Discussion Topics IMERYS 499485 - IMERYS 499487 Exhibit 38 TEM Asbestos Analysis of 327 Argonaut Product Composites Summary Report, 8/6/18 IMERYS 498998		
12 13 14 15 16		14 15 16 17 18	Exhibit 37 9/29/06 memo to Kinneberg 324 from Marek, reference: Vermont Discussion Topics IMERYS 499485 - IMERYS 499487 Exhibit 38 TEM Asbestos Analysis of 327 Argonaut Product Composites Summary Report, 8/6/18 IMERYS 498998 Exhibit 39 Compilation of documents 334 IMERYS 469483 - IMERYS 469494		
12 13 14 15 16 17 18 19 20		14 15 16 17 18 19 20	Exhibit 37 9/29/06 memo to Kinneberg from Marek, reference: Vermont Discussion Topics IMERYS 499485 - IMERYS 499487 Exhibit 38 TEM Asbestos Analysis of Argonaut Product Composites Summary Report, 8/6/18 IMERYS 498998 Exhibit 39 Compilation of documents 334 IMERYS 469483 - IMERYS 469494 Exhibit 40 Luzenac North America Control 335 of Non-Conforming Product		
12 13 14 15 16 17 18 19		14 15 16 17 18	Exhibit 37 9/29/06 memo to Kinneberg 324 from Marek, reference: Vermont Discussion Topics IMERYS 499485 - IMERYS 499487 Exhibit 38 TEM Asbestos Analysis of 327 Argonaut Product Composites Summary Report, 8/6/18 IMERYS 498998 Exhibit 39 Compilation of documents 334 IMERYS 469483 - IMERYS 469494 Exhibit 40 Luzenac North America Control 335 of Non-Conforming Product IMERYS 086243 - IMERYS 086247 Exhibit 41 Document 344		
12 13 14 15 16 17 18 19 20 21		14 15 16 17 18 19 20 21	Exhibit 37 9/29/06 memo to Kinneberg 324 from Marek, reference: Vermont Discussion Topics IMERYS 499485 - IMERYS 499487 Exhibit 38 TEM Asbestos Analysis of 327 Argonaut Product Composites Summary Report, 8/6/18 IMERYS 498998 Exhibit 39 Compilation of documents 334 IMERYS 469483 - IMERYS 469494 Exhibit 40 Luzenac North America Control 335 of Non-Conforming Product IMERYS 086243 - IMERYS 086247		

2 (Pages 260 to 263)

Patrick Downey

1		Page 2	264		Page 266
	(Cont'd)			1	(Cont'd)
2	EXHIBITS			2	EXHIBITS
	EXHIBIT DESCRIPTION PAGE				EXHIBIT DESCRIPTION PAGE
3	Exhibit 42 Compilation of documents 355			3	Exhibit 57 Plant Operations Manual 467
4 5	IMERYS 403794 - IMERYS 403850 Exhibit 43 E-mail string ending 6/8/06 372			4	Luzenac America West Windsor Vermont
6	from Kopp to Logue, et al.,			5	IMERYS 060623 - IMERYS 060632
6	subject: G#2 and 2A IMERYS 058991			6	Exhibit 58 Windsor Mills, Inc, Standard 474 Operating Procedure for
7	Exhibit 44 Project Lone Start Luzenac 380			7	Frequency of Analysis -
8	Process and Product			8	Cosmetic, 6/10/87 IMERYS 336157 - IMERYS 336158
9	Validation Plan IMERYS 286003 - IMERYS 286005			9	Exhibit 59 West Windsor Lab Operating 480 Procedure: Arsenic Testing,
10	Exhibit 45 PowerPoint presentation 381 entitled "Rio Tinto Minerals			10	12/2/88
11	- Luzenac and Houston			11	IMERYS 430707
12	Operation" IMERYS 205958			1.0	Exhibit 60 Document handwritten by Ms. 488
13	Exhibit 46 J&J WW Talk Supplier 385 Assessment Questionnaire			12 13	Scott, 1 page Exhibit 61 Luzenac In-Process Sampling 488
14	IMERYS 244919 - IMERYS 244926			14	IMERYS 043450 - IMERYS 043453
15	Exhibit 47 PowerPoint presentation 389 entitled "Talc Geology,				Exhibit 62 Rio Tinto Minerals Sample 492
16	Mining Processing and Surface Properties"			15	Procedures for Chinese Crude Ore - HST, 8/26/08
17				16	IMERYS 036949 - IMERYS 036951
18	Exhibit 48 Cyprus-Vermont Talc 399 Operations			17	Exhibit 63 Imerys Houston Operations 496 USP/FCC Sampling and Testing
19	IMERYS 308384 - IMERYS 308401			18	on Crude Ore and Finished Product - HST, 5/1513
	Exhibit 49 Talc Geology, Mining and 407			19	IMERYS 046860- IMERYS 046965
20	Processing for Cosmetic, Pharma and Food Applications,			20	Exhibit 64 4/3/01 interoffice memorandum 520 to D. Harris; R.J. Buettner
21	E.F. McCarthy, February 2010 IMERYS 081025 - IMERYS 081062			21	from R.J. Zazenski, subject:
22	IMERTS 001025 IMERTS 001002			22	Summary of Asbestos Testing - North American Operations
23 24				23 24	
25			_	25	
		Page 2	265		Daga 267
1		_			Page 267
1	(Cont'd)	J		1	PROCEEDINGS
2	EXHIBITS	J		1 2	
	EXHIBITS EXHIBIT DESCRIPTION PAGE	J			PROCEEDINGS
2	EXHIBITS	-		2	PROCEEDINGS VIDEOGRAPHER: Good morning. We are on the
2 3 4	EXHIBIT S EXHIBIT DESCRIPTION PAGE Exhibit 50 Windsor Minerals, Inc., 438 Procedure of Sample Collection Standard Operating	_		2	PROCEEDINGS VIDEOGRAPHER: Good morning. We are on the record at 9:02 a.m. Today is August 8, 2018. This
2 3 4 5	EXHIBIT S EXHIBIT DESCRIPTION PAGE Exhibit 50 Windsor Minerals, Inc., Procedure of Sample	_		2 3 4	PROCEEDINGS VIDEOGRAPHER: Good morning. We are on the record at 9:02 a.m. Today is August 8, 2018. This begins Volume 2 of the video deposition of Pat
2 3 4 5	EXHIBIT DESCRIPTION PAGE Exhibit 50 Windsor Minerals, Inc., 438 Procedure of Sample Collection Standard Operating Procedure, 1/14/88 IMERYS 336147 - IMERYS 336148 Exhibit 51 Windsor Minerals, Inc., Silo 441	-		2 3 4 5	PROCEEDINGS VIDEOGRAPHER: Good morning. We are on the record at 9:02 a.m. Today is August 8, 2018. This begins Volume 2 of the video deposition of Pat Downey in the Johnson & Johnson Talcum Powder
2 3 4 5 6	EXHIBIT S EXHIBIT DESCRIPTION PAGE Exhibit 50 Windsor Minerals, Inc., 438 Procedure of Sample Collection Standard Operating Procedure, 1/14/88 IMERYS 336147 - IMERYS 336148 Exhibit 51 Windsor Minerals, Inc., Silo 441 Composites Procedure, Standard Operating Procedure,	-		2 3 4 5 6	PROCEEDINGS VIDEOGRAPHER: Good morning. We are on the record at 9:02 a.m. Today is August 8, 2018. This begins Volume 2 of the video deposition of Pat Downey in the Johnson & Johnson Talcum Powder Products, Marketing, Sales Practices, and Products Liabilities Litigation.
2 3 4 5	EXHIBIT S EXHIBIT DESCRIPTION PAGE Exhibit 50 Windsor Minerals, Inc., 438 Procedure of Sample Collection Standard Operating Procedure, 1/14/88 IMERYS 336147 - IMERYS 336148 Exhibit 51 Windsor Minerals, Inc., Silo 441 Composites Procedure,			2 3 4 5 6 7	PROCEEDINGS VIDEOGRAPHER: Good morning. We are on the record at 9:02 a.m. Today is August 8, 2018. This begins Volume 2 of the video deposition of Pat Downey in the Johnson & Johnson Talcum Powder Products, Marketing, Sales Practices, and Products
2 3 4 5 6	EXHIBIT DESCRIPTION PAGE Exhibit 50 Windsor Minerals, Inc., 438 Procedure of Sample Collection Standard Operating Procedure, 1/14/88 IMERYS 336147 - IMERYS 336148 Exhibit 51 Windsor Minerals, Inc., Silo 441 Composites Procedure, Standard Operating Procedure, 6/10/87 IMERYS 336152			2 3 4 5 6 7 8	PROCEEDINGS VIDEOGRAPHER: Good morning. We are on the record at 9:02 a.m. Today is August 8, 2018. This begins Volume 2 of the video deposition of Pat Downey in the Johnson & Johnson Talcum Powder Products, Marketing, Sales Practices, and Products Liabilities Litigation. The court reporter, please swear in the
2 3 4 5 6 7 8	EXHIBIT DESCRIPTION PAGE Exhibit 50 Windsor Minerals, Inc., 438 Procedure of Sample Collection Standard Operating Procedure, 1/14/88 IMERYS 336147 - IMERYS 336148 Exhibit 51 Windsor Minerals, Inc., Silo 441 Composites Procedure, Standard Operating Procedure, 6/10/87 IMERYS 336152 Exhibit 52 Talk North America Laboratory 448 Standard Test Method, 8/18/11			2 3 4 5 6 7 8 9	PROCEEDINGS VIDEOGRAPHER: Good morning. We are on the record at 9:02 a.m. Today is August 8, 2018. This begins Volume 2 of the video deposition of Pat Downey in the Johnson & Johnson Talcum Powder Products, Marketing, Sales Practices, and Products Liabilities Litigation. The court reporter, please swear in the witness.
2 3 4 5 6 7 8	EXHIBIT DESCRIPTION PAGE Exhibit 50 Windsor Minerals, Inc., 438 Procedure of Sample Collection Standard Operating Procedure, 114/88 IMERYS 336147 - IMERYS 336148 Exhibit 51 Windsor Minerals, Inc., Silo 441 Composites Procedure, Standard Operating Procedure, 6/10/87 IMERYS 336152 Exhibit 52 Talk North America Laboratory 448 Standard Test Method, 8/18/11 IMERYS 084632 - IMERYS 084635			2 3 4 5 6 7 8 9	PROCEEDINGS VIDEOGRAPHER: Good morning. We are on the record at 9:02 a.m. Today is August 8, 2018. This begins Volume 2 of the video deposition of Pat Downey in the Johnson & Johnson Talcum Powder Products, Marketing, Sales Practices, and Products Liabilities Litigation. The court reporter, please swear in the witness. PATRICK DOWNEY,
2 3 4 5 6 7 8 9	EXHIBIT DESCRIPTION PAGE Exhibit 50 Windsor Minerals, Inc., 438 Procedure of Sample Collection Standard Operating Procedure, 1/14/88 IMERYS 336147 - IMERYS 336148 Exhibit 51 Windsor Minerals, Inc., Silo 441 Composites Procedure, Standard Operating Procedure, 6/10/87 IMERYS 336152 Exhibit 52 Talk North America Laboratory 448 Standard Test Method, 8/18/11 IMERYS 084632 - IMERYS 084635 Exhibit 53 5/11/92 memo to Validation 449 Team Members from M.J.			2 3 4 5 6 7 8 9 10	PROCEEDINGS VIDEOGRAPHER: Good morning. We are on the record at 9:02 a.m. Today is August 8, 2018. This begins Volume 2 of the video deposition of Pat Downey in the Johnson & Johnson Talcum Powder Products, Marketing, Sales Practices, and Products Liabilities Litigation. The court reporter, please swear in the witness. PATRICK DOWNEY, after having been duly sworn, was examined and
2 3 4 5 6 7 8 9 10 11	EXHIBIT DESCRIPTION PAGE Exhibit 50 Windsor Minerals, Inc., 438 Procedure of Sample Collection Standard Operating Procedure, 1/14/88 IMERYS 336147 - IMERYS 336148 Exhibit 51 Windsor Minerals, Inc., Silo 441 Composites Procedure, Standard Operating Procedure, 6/10/87 IMERYS 336152 Exhibit 52 Talk North America Laboratory 448 Standard Test Method, 8/18/11 IMERYS 084632 - IMERYS 084635 Exhibit 53 5/11/92 memo to Validation 449			2 3 4 5 6 7 8 9 10 11	PROCEEDINGS VIDEOGRAPHER: Good morning. We are on the record at 9:02 a.m. Today is August 8, 2018. This begins Volume 2 of the video deposition of Pat Downey in the Johnson & Johnson Talcum Powder Products, Marketing, Sales Practices, and Products Liabilities Litigation. The court reporter, please swear in the witness. PATRICK DOWNEY, after having been duly sworn, was examined and testified as follows:
2 3 4 5 6 7 8 9 10 11 12	EXHIBIT DESCRIPTION PAGE Exhibit 50 Windsor Minerals, Inc., 438 Procedure of Sample Collection Standard Operating Procedure, 1/14/88 IMERYS 336147 - IMERYS 336148 Exhibit 51 Windsor Minerals, Inc., Silo 441 Composites Procedure, Standard Operating Procedure, 6/10/87 IMERYS 336152 Exhibit 52 Talk North America Laboratory 448 Standard Test Method, 8/18/11 IMERYS 084632 - IMERYS 084635 Exhibit 53 5/11/92 memo to Validation 449 Team Members from M.J. Keener, subject: Phase 2 -			2 3 4 5 6 7 8 9 10 11 12 13	PROCEEDINGS VIDEOGRAPHER: Good morning. We are on the record at 9:02 a.m. Today is August 8, 2018. This begins Volume 2 of the video deposition of Pat Downey in the Johnson & Johnson Talcum Powder Products, Marketing, Sales Practices, and Products Liabilities Litigation. The court reporter, please swear in the witness. PATRICK DOWNEY, after having been duly sworn, was examined and testified as follows: EXAMINATION BY MS. O'DELL:
2 3 4 5 6 7 8 9 10 11 12 13	EXHIBIT DESCRIPTION PAGE Exhibit 50 Windsor Minerals, Inc., 438 Procedure of Sample Collection Standard Operating Procedure, 1/14/88 IMERYS 336147 - IMERYS 336148 Exhibit 51 Windsor Minerals, Inc., Silo 441 Composites Procedure, Standard Operating Procedure, 6/10/87 IMERYS 336152 Exhibit 52 Talk North America Laboratory 448 Standard Test Method, 8/18/11 IMERYS 084632 - IMERYS 084635 Exhibit 53 5/11/92 memo to Validation 449 Team Members from M.J. Keener, subject: Phase 2 - Validation Protocol IMERYS 054579 - IMERYS 054588 Exhibit 54 Document with subject: 455			2 3 4 5 6 7 8 9 10 11 12 13 14	PROCEEDINGS VIDEOGRAPHER: Good morning. We are on the record at 9:02 a.m. Today is August 8, 2018. This begins Volume 2 of the video deposition of Pat Downey in the Johnson & Johnson Talcum Powder Products, Marketing, Sales Practices, and Products Liabilities Litigation. The court reporter, please swear in the witness. PATRICK DOWNEY, after having been duly sworn, was examined and testified as follows: EXAMINATION BY MS. O'DELL: Q. Good morning, Mr. Downey.
2 3 4 5 6 7 8 9 10 11 12 13 14	EXHIBIT DESCRIPTION PAGE Exhibit 50 Windsor Minerals, Inc., 438 Procedure of Sample Collection Standard Operating Procedure, 1/14/88 IMERYS 336147 - IMERYS 336148 Exhibit 51 Windsor Minerals, Inc., Silo 441 Composites Procedure, Standard Operating Procedure, 6/10/87 IMERYS 336152 Exhibit 52 Talk North America Laboratory 448 Standard Test Method, 8/18/11 IMERYS 084632 - IMERYS 084635 Exhibit 53 5/11/92 memo to Validation 449 Team Members from M.J. Keener, subject: Phase 2 - Validation Protocol IMERYS 054579 - IMERYS 054588 Exhibit 54 Document with subject: 455 Reducing the Number of Ore Samples Collected for			2 3 4 5 6 7 8 9 10 11 12 13 14 15	PROCEEDINGS VIDEOGRAPHER: Good morning. We are on the record at 9:02 a.m. Today is August 8, 2018. This begins Volume 2 of the video deposition of Pat Downey in the Johnson & Johnson Talcum Powder Products, Marketing, Sales Practices, and Products Liabilities Litigation. The court reporter, please swear in the witness. PATRICK DOWNEY, after having been duly sworn, was examined and testified as follows: EXAMINATION BY MS. O'DELL: Q. Good morning, Mr. Downey. A. Good morning.
2 3 4 5 6 7 8 9 10 11 12 13	EXHIBIT DESCRIPTION PAGE Exhibit 50 Windsor Minerals, Inc., 438 Procedure of Sample Collection Standard Operating Procedure, 1/14/88 IMERYS 336147 - IMERYS 336148 Exhibit 51 Windsor Minerals, Inc., Silo 441 Composites Procedure, 6/10/87 IMERYS 336152 Exhibit 52 Talk North America Laboratory 448 Standard Test Method, 8/18/11 IMERYS 084632 - IMERYS 084635 Exhibit 53 5/11/92 memo to Validation 449 Team Members from M.J. Keener, subject: Phase 2 - Validation Protocol IMERYS 054579 - IMERYS 054588 Exhibit 54 Document with subject: 455 Reducing the Number of Ore			2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	PROCEEDINGS VIDEOGRAPHER: Good morning. We are on the record at 9:02 a.m. Today is August 8, 2018. This begins Volume 2 of the video deposition of Pat Downey in the Johnson & Johnson Talcum Powder Products, Marketing, Sales Practices, and Products Liabilities Litigation. The court reporter, please swear in the witness. PATRICK DOWNEY, after having been duly sworn, was examined and testified as follows: EXAMINATION BY MS. O'DELL: Q. Good morning, Mr. Downey. A. Good morning. Q. Yesterday when we took day one of your
2 3 4 5 6 7 8 9 10 11 12 13 14 15	EXHIBIT DESCRIPTION PAGE Exhibit 50 Windsor Minerals, Inc., 438 Procedure of Sample Collection Standard Operating Procedure, 1/14/88 IMERYS 336147 - IMERYS 336148 Exhibit 51 Windsor Minerals, Inc., Silo 441 Composites Procedure, Standard Operating Procedure, 6/10/87 IMERYS 336152 Exhibit 52 Talk North America Laboratory 448 Standard Test Method, 8/18/11 IMERYS 084632 - IMERYS 084635 Exhibit 53 5/11/92 memo to Validation 449 Team Members from M.J. Keener, subject: Phase 2 - Validation Protocol IMERYS 054579 - IMERYS 054588 Exhibit 54 Document with subject: 455 Reducing the Number of Ore Samples Collected for Analysis, by McCrone Associates, 11/14/75			2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	PROCEEDINGS VIDEOGRAPHER: Good morning. We are on the record at 9:02 a.m. Today is August 8, 2018. This begins Volume 2 of the video deposition of Pat Downey in the Johnson & Johnson Talcum Powder Products, Marketing, Sales Practices, and Products Liabilities Litigation. The court reporter, please swear in the witness. PATRICK DOWNEY, after having been duly sworn, was examined and testified as follows: EXAMINATION BY MS. O'DELL: Q. Good morning, Mr. Downey. A. Good morning. Q. Yesterday when we took day one of your deposition, we were talking about the concept of
2 3 4 5 6 7 8 9 10 11 12 13 14 15	EXHIBIT DESCRIPTION PAGE Exhibit 50 Windsor Minerals, Inc., 438 Procedure of Sample Collection Standard Operating Procedure, 1/14/88 IMERYS 336147 - IMERYS 336148 Exhibit 51 Windsor Minerals, Inc., Silo 441 Composites Procedure, Standard Operating Procedure, 6/10/87 IMERYS 336152 Exhibit 52 Talk North America Laboratory 448 Standard Test Method, 8/18/11 IMERYS 084632 - IMERYS 084635 Exhibit 53 5/11/92 memo to Validation 449 Team Members from M.J. Keener, subject: Phase 2 - Validation Protocol IMERYS 054579 - IMERYS 054588 Exhibit 54 Document with subject: 455 Reducing the Number of Ore Samples Collected for Analysis, by McCrone Associates, 11/14/75 Exhibit 55 Due Diligence of Windsor 458 Minerals Quality Control			2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	PROCEEDINGS VIDEOGRAPHER: Good morning. We are on the record at 9:02 a.m. Today is August 8, 2018. This begins Volume 2 of the video deposition of Pat Downey in the Johnson & Johnson Talcum Powder Products, Marketing, Sales Practices, and Products Liabilities Litigation. The court reporter, please swear in the witness. PATRICK DOWNEY, after having been duly sworn, was examined and testified as follows: EXAMINATION BY MS. O'DELL: Q. Good morning, Mr. Downey. A. Good morning. Q. Yesterday when we took day one of your deposition, we were talking about the concept of selective mining; do you recall that?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	EXHIBIT DESCRIPTION PAGE Exhibit 50 Windsor Minerals, Inc., 438 Procedure of Sample Collection Standard Operating Procedure, 1/14/88 IMERYS 336147 - IMERYS 336148 Exhibit 51 Windsor Minerals, Inc., Silo 441 Composites Procedure, Standard Operating Procedure, 6/10/87 IMERYS 336152 Exhibit 52 Talk North America Laboratory 448 Standard Test Method, 8/18/11 IMERYS 084632 - IMERYS 084635 Exhibit 53 5/11/92 memo to Validation 449 Team Members from M.J. Keener, subject: Phase 2 Validation Protocol IMERYS 054579 - IMERYS 054588 Exhibit 54 Document with subject: 455 Reducing the Number of Ore Samples Collected for Analysis, by McCrone Associates, 11/14/75 Exhibit 55 Due Diligence of Windsor 458 Minerals Quality Control Program, 10/5/88 IMERYS 051389 - IMERYS 051401			2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	PROCEEDINGS VIDEOGRAPHER: Good morning. We are on the record at 9:02 a.m. Today is August 8, 2018. This begins Volume 2 of the video deposition of Pat Downey in the Johnson & Johnson Talcum Powder Products, Marketing, Sales Practices, and Products Liabilities Litigation. The court reporter, please swear in the witness. PATRICK DOWNEY, after having been duly sworn, was examined and testified as follows: EXAMINATION BY MS. O'DELL: Q. Good morning, Mr. Downey. A. Good morning. Q. Yesterday when we took day one of your deposition, we were talking about the concept of selective mining; do you recall that? A. Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	EXHIBIT DESCRIPTION PAGE EXHIBIT DESCRIPTION PAGE Exhibit 50 Windsor Minerals, Inc., 438 Procedure of Sample Collection Standard Operating Procedure, 1/14/88 IMERYS 336147 - IMERYS 336148 Exhibit 51 Windsor Minerals, Inc., Silo 441 Composites Procedure, Standard Operating Procedure, 6/10/87 IMERYS 336152 Exhibit 52 Talk North America Laboratory 448 Standard Test Method, 8/18/11 IMERYS 084632 - IMERYS 084635 Exhibit 53 5/11/92 memo to Validation 449 Team Members from M.J. Keener, subject: Phase 2 - Validation Protocol IMERYS 054579 - IMERYS 054588 Exhibit 54 Document with subject: 455 Reducing the Number of Ore Samples Collected for Analysis, by McCrone Associates, 11/14/75 Exhibit 55 Due Diligence of Windsor Minerals Quality Control Program, 10/5/88			2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	PROCEEDINGS VIDEOGRAPHER: Good morning. We are on the record at 9:02 a.m. Today is August 8, 2018. This begins Volume 2 of the video deposition of Pat Downey in the Johnson & Johnson Talcum Powder Products, Marketing, Sales Practices, and Products Liabilities Litigation. The court reporter, please swear in the witness. PATRICK DOWNEY, after having been duly sworn, was examined and testified as follows: EXAMINATION BY MS. O'DELL: Q. Good morning, Mr. Downey. A. Good morning. Q. Yesterday when we took day one of your deposition, we were talking about the concept of selective mining; do you recall that? A. Yes. Q. And you described the process of a large
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	EXHIBIT DESCRIPTION PAGE Exhibit 50 Windsor Minerals, Inc., 438 Procedure of Sample Collection Standard Operating Procedure, 1/14/88 IMERYS 336147 - IMERYS 336148 Exhibit 51 Windsor Minerals, Inc., Silo 441 Composites Procedure, Standard Operating Procedure, 6/10/87 IMERYS 336152 Exhibit 52 Talk North America Laboratory 448 Standard Test Method, 8/18/11 IMERYS 084632 - IMERYS 084635 Exhibit 53 5/11/92 memo to Validation 449 Team Members from M.J. Keener, subject: Phase 2 - Validation Protocol IMERYS 054579 - IMERYS 054588 Exhibit 54 Document with subject: 455 Reducing the Number of Ore Samples Collected for Analysis, by McCrone Associates, 11/14/75 Exhibit 55 Due Diligence of Windsor 458 Minerals Quality Control Program, 10/5/88 IMERYS 051389 - IMERYS 051401 Exhibit 56 4/201 Ludlow Mill, West 463 Windsor Mill, Argonaut Mine Assurance Monitoring Program			2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	PROCEEDINGS VIDEOGRAPHER: Good morning. We are on the record at 9:02 a.m. Today is August 8, 2018. This begins Volume 2 of the video deposition of Pat Downey in the Johnson & Johnson Talcum Powder Products, Marketing, Sales Practices, and Products Liabilities Litigation. The court reporter, please swear in the witness. PATRICK DOWNEY, after having been duly sworn, was examined and testified as follows: EXAMINATION BY MS. O'DELL: Q. Good morning, Mr. Downey. A. Good morning. Q. Yesterday when we took day one of your deposition, we were talking about the concept of selective mining; do you recall that? A. Yes. Q. And you described the process of a large machine with a bucket picking up rocks from the pit
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	EXHIBIT DESCRIPTION PAGE EXHIBIT DESCRIPTION PAGE Exhibit 50 Windsor Minerals, Inc., 438 Procedure of Sample Collection Standard Operating Procedure, 1/14/88 IMERYS 336147 - IMERYS 336148 Exhibit 51 Windsor Minerals, Inc., Silo 441 Composites Procedure, Standard Operating Procedure, 6/10/87 IMERYS 336152 Exhibit 52 Talk North America Laboratory 448 Standard Test Method, 8/18/11 IMERYS 084632 - IMERYS 084635 Exhibit 53 5/11/92 memo to Validation 449 Team Members from M.J. Keener, subject: Phase 2 - Validation Protocol IMERYS 054579 - IMERYS 054588 Exhibit 54 Document with subject: 455 Reducing the Number of Ore Samples Collected for Analysis, by McCrone Associates, 11/14/75 Exhibit 55 Due Diligence of Windsor 458 Minerals Quality Control Program, 10/5/88 IMERYS 051389 - IMERYS 051401 Exhibit 56 4/2/01 Ludlow Mill, West 463 Windsor Mill, Argonaut Mine			2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	PROCEEDINGS VIDEOGRAPHER: Good morning. We are on the record at 9:02 a.m. Today is August 8, 2018. This begins Volume 2 of the video deposition of Pat Downey in the Johnson & Johnson Talcum Powder Products, Marketing, Sales Practices, and Products Liabilities Litigation. The court reporter, please swear in the witness. PATRICK DOWNEY, after having been duly sworn, was examined and testified as follows: EXAMINATION BY MS. O'DELL: Q. Good morning, Mr. Downey. A. Good morning. Q. Yesterday when we took day one of your deposition, we were talking about the concept of selective mining; do you recall that? A. Yes. Q. And you described the process of a large machine with a bucket picking up rocks from the pit after it's been blasted and there's ore there to be
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	EXHIBIT DESCRIPTION PAGE Exhibit 50 Windsor Minerals, Inc., 438 Procedure of Sample Collection Standard Operating Procedure, 1/14/88 IMERYS 336147 - IMERYS 336148 Exhibit 51 Windsor Minerals, Inc., Silo 441 Composites Procedure, Standard Operating Procedure, 6/10/87 IMERYS 336152 Exhibit 52 Talk North America Laboratory 448 Standard Test Method, 8/18/11 IMERYS 084632 - IMERYS 084635 Exhibit 53 5/11/92 memo to Validation 449 Team Members from M.J. Keener, subject: Phase 2 - Validation Protocol IMERYS 054579 - IMERYS 054588 Exhibit 54 Document with subject: 455 Reducing the Number of Ore Samples Collected for Analysis, by McCrone Associates, 11/14/75 Exhibit 55 Due Diligence of Windsor Minerals Quality Control Program, 10/5/88 IMERYS 051389 - IMERYS 051401 Exhibit 56 4/2/01 Ludlow Mill, West 463 Windsor Mill, Argonaut Mine Assurance Monitoring Program for Asbestos Mineralogy			2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	PROCEEDINGS VIDEOGRAPHER: Good morning. We are on the record at 9:02 a.m. Today is August 8, 2018. This begins Volume 2 of the video deposition of Pat Downey in the Johnson & Johnson Talcum Powder Products, Marketing, Sales Practices, and Products Liabilities Litigation. The court reporter, please swear in the witness. PATRICK DOWNEY, after having been duly sworn, was examined and testified as follows: EXAMINATION BY MS. O'DELL: Q. Good morning, Mr. Downey. A. Good morning. Q. Yesterday when we took day one of your deposition, we were talking about the concept of selective mining; do you recall that? A. Yes. Q. And you described the process of a large machine with a bucket picking up rocks from the pit

3 (Pages 264 to 267)

1	Page 268		Page 270
1	process excuse me, putting it in the truck	1	evening.
2	bed that's really the process of selective	2	MR. PROST: Do you have any other
3	mining. I mean, is that a fair summary? Or would	3	MS. O'DELL: And we can give you the Bates
4	you like to edit that in any way?	4	number.
5	A. That's one component. There's a lot of	5	MR. PROST: Do you have an additional copy
6	things that go into it, as I mentioned yesterday.	6	of it?
7	Q. And so in terms of that portion of	7	MS. O'DELL: You know, I only have one copy.
8	selective mining, what happens with the equipment	8	THE WITNESS: Do you want one?
9	operator and the truck driver, would that be a fair	9	MR. SILVER: You look first and then
10	summary? He actually the equipment operator	10	MR. PROST: You look first.
11	selects a rock or rocks, picks it up in the bucket,	11	MR. SILVER: and then when we take a
12	puts it into the truck.	12	break, we can get a copy.
13	MR. PROST: Object to form.	13	A. (Document reviewed.)
14	Q. (By Ms. O'Dell) Correct?	14	Q. (By Ms. O'Dell) Mr. Downey, have you
15		15	seen that document before?
	A. I'm not sure what your question is.		
16	Q. Well, I guess I'll just ask you again.	16	A. I don't think I've seen this one.
17	I thought my question was clear.	17	Certain slides are familiar, but they were not
18	A portion of the selective mining process	18	I've seen them in different presentations.
19	happens at the equipment-operator stage. And the	19	Q. I have a really simple question to ask
20	particular equipment I'm referring to is either the	20	you about it. So if you want to take a high-level
21	excavator or a front-end loader, correct?	21	look I have two simple questions. Thank you,
22	A. Generally, yes, yes.	22	sir. I need that back.
23	Q. And that operator, that equipment	23	A. Oh, you need that back?
24	operator, when, in the process of loading trucks to	24	Q. Yeah. Thank you.
25	be for the ore to be trucked to West Windsor and	25	So this is
	Page 269		Page 271
1	Argonaut, for example, that operator, that	1	MR. PROST: Are you going to be asking
2	equipment operator, will select certain ore to	2	questions throughout the document? Because if so,
3	place in the truck for purposes of being taken to	3	
1			if we could just make a quick copy of it, I'd
4	West Windsor?	4	if we could just make a quick copy of it, I'd appreciate it, just so I can have one.
5			appreciate it, just so I can have one.
	MR. PROST: Object to form.	4	appreciate it, just so I can have one. MS. O'DELL: Oh, Mark, I'm going to ask just
5	MR. PROST: Object to form. A. Generally so, yes. The operator is	4 5	appreciate it, just so I can have one. MS. O'DELL: Oh, Mark, I'm going to ask just about a couple of the photos and that's it.
5 6	MR. PROST: Object to form. A. Generally so, yes. The operator is digging the rock, but also in an informed way.	4 5 6	appreciate it, just so I can have one. MS. O'DELL: Oh, Mark, I'm going to ask just about a couple of the photos and that's it. MR. PROST: Okay.
5 6 7	MR. PROST: Object to form. A. Generally so, yes. The operator is digging the rock, but also in an informed way. Q. (By Ms. O'Dell) Okay. I'm going to	4 5 6 7	appreciate it, just so I can have one. MS. O'DELL: Oh, Mark, I'm going to ask just about a couple of the photos and that's it. MR. PROST: Okay. Q. (By Ms. O'Dell) So this is a PowerPoint
5 6 7 8 9	MR. PROST: Object to form. A. Generally so, yes. The operator is digging the rock, but also in an informed way. Q. (By Ms. O'Dell) Okay. I'm going to show you and I'll show it to you and then I'm	4 5 6 7 8 9	appreciate it, just so I can have one. MS. O'DELL: Oh, Mark, I'm going to ask just about a couple of the photos and that's it. MR. PROST: Okay. Q. (By Ms. O'Dell) So this is a PowerPoint presentation that we've marked as Exhibit 24. The
5 6 7 8	MR. PROST: Object to form. A. Generally so, yes. The operator is digging the rock, but also in an informed way. Q. (By Ms. O'Dell) Okay. I'm going to show you and I'll show it to you and then I'm going to I only have one copy, so I'll need to	4 5 6 7 8	appreciate it, just so I can have one. MS. O'DELL: Oh, Mark, I'm going to ask just about a couple of the photos and that's it. MR. PROST: Okay. Q. (By Ms. O'Dell) So this is a PowerPoint presentation that we've marked as Exhibit 24. The Bates number is IMERYS 499781.
5 6 7 8 9 10	MR. PROST: Object to form. A. Generally so, yes. The operator is digging the rock, but also in an informed way. Q. (By Ms. O'Dell) Okay. I'm going to show you and I'll show it to you and then I'm going to I only have one copy, so I'll need to put it on the screen to ask you questions. But	4 5 6 7 8 9 10	appreciate it, just so I can have one. MS. O'DELL: Oh, Mark, I'm going to ask just about a couple of the photos and that's it. MR. PROST: Okay. Q. (By Ms. O'Dell) So this is a PowerPoint presentation that we've marked as Exhibit 24. The Bates number is IMERYS 499781. And this is a PowerPoint presentation that
5 6 7 8 9 10 11 12	MR. PROST: Object to form. A. Generally so, yes. The operator is digging the rock, but also in an informed way. Q. (By Ms. O'Dell) Okay. I'm going to show you and I'll show it to you and then I'm going to I only have one copy, so I'll need to put it on the screen to ask you questions. But I'll mark as Exhibit 24 a PowerPoint called	4 5 6 7 8 9 10 11	appreciate it, just so I can have one. MS. O'DELL: Oh, Mark, I'm going to ask just about a couple of the photos and that's it. MR. PROST: Okay. Q. (By Ms. O'Dell) So this is a PowerPoint presentation that we've marked as Exhibit 24. The Bates number is IMERYS 499781. And this is a PowerPoint presentation that outlines the location, geology, history, part of
5 6 7 8 9 10 11 12 13	MR. PROST: Object to form. A. Generally so, yes. The operator is digging the rock, but also in an informed way. Q. (By Ms. O'Dell) Okay. I'm going to show you and I'll show it to you and then I'm going to I only have one copy, so I'll need to put it on the screen to ask you questions. But I'll mark as Exhibit 24 a PowerPoint called "Luzenac America Argonaut Mine Vermont."	4 5 6 7 8 9 10 11 12	appreciate it, just so I can have one. MS. O'DELL: Oh, Mark, I'm going to ask just about a couple of the photos and that's it. MR. PROST: Okay. Q. (By Ms. O'Dell) So this is a PowerPoint presentation that we've marked as Exhibit 24. The Bates number is IMERYS 499781. And this is a PowerPoint presentation that outlines the location, geology, history, part of the mine process, the ore, mine plan, mine plan
5 6 7 8 9 10 11 12 13 14	MR. PROST: Object to form. A. Generally so, yes. The operator is digging the rock, but also in an informed way. Q. (By Ms. O'Dell) Okay. I'm going to show you and I'll show it to you and then I'm going to I only have one copy, so I'll need to put it on the screen to ask you questions. But I'll mark as Exhibit 24 a PowerPoint called "Luzenac America Argonaut Mine Vermont." (Exhibit 24 was marked for identification.)	4 5 6 7 8 9 10 11 12 13 14	appreciate it, just so I can have one. MS. O'DELL: Oh, Mark, I'm going to ask just about a couple of the photos and that's it. MR. PROST: Okay. Q. (By Ms. O'Dell) So this is a PowerPoint presentation that we've marked as Exhibit 24. The Bates number is IMERYS 499781. And this is a PowerPoint presentation that outlines the location, geology, history, part of the mine process, the ore, mine plan, mine plan methods, et cetera, for the Argonaut Mine, correct?
5 6 7 8 9 10 11 12 13 14	MR. PROST: Object to form. A. Generally so, yes. The operator is digging the rock, but also in an informed way. Q. (By Ms. O'Dell) Okay. I'm going to show you and I'll show it to you and then I'm going to I only have one copy, so I'll need to put it on the screen to ask you questions. But I'll mark as Exhibit 24 a PowerPoint called "Luzenac America Argonaut Mine Vermont." (Exhibit 24 was marked for identification.) Q. (By Ms. O'Dell) Have you seen that	4 5 6 7 8 9 10 11 12 13 14 15	appreciate it, just so I can have one. MS. O'DELL: Oh, Mark, I'm going to ask just about a couple of the photos and that's it. MR. PROST: Okay. Q. (By Ms. O'Dell) So this is a PowerPoint presentation that we've marked as Exhibit 24. The Bates number is IMERYS 499781. And this is a PowerPoint presentation that outlines the location, geology, history, part of the mine process, the ore, mine plan, mine plan methods, et cetera, for the Argonaut Mine, correct? A. Generally so. I had briefly perused it.
5 6 7 8 9 10 11 12 13 14 15 16	MR. PROST: Object to form. A. Generally so, yes. The operator is digging the rock, but also in an informed way. Q. (By Ms. O'Dell) Okay. I'm going to show you and I'll show it to you and then I'm going to I only have one copy, so I'll need to put it on the screen to ask you questions. But I'll mark as Exhibit 24 a PowerPoint called "Luzenac America Argonaut Mine Vermont." (Exhibit 24 was marked for identification.) Q. (By Ms. O'Dell) Have you seen that before?	4 5 6 7 8 9 10 11 12 13 14 15 16	appreciate it, just so I can have one. MS. O'DELL: Oh, Mark, I'm going to ask just about a couple of the photos and that's it. MR. PROST: Okay. Q. (By Ms. O'Dell) So this is a PowerPoint presentation that we've marked as Exhibit 24. The Bates number is IMERYS 499781. And this is a PowerPoint presentation that outlines the location, geology, history, part of the mine process, the ore, mine plan, mine plan methods, et cetera, for the Argonaut Mine, correct? A. Generally so. I had briefly perused it. Q. And I had started asking you questions
5 6 7 8 9 10 11 12 13 14 15 16 17	MR. PROST: Object to form. A. Generally so, yes. The operator is digging the rock, but also in an informed way. Q. (By Ms. O'Dell) Okay. I'm going to show you and I'll show it to you and then I'm going to I only have one copy, so I'll need to put it on the screen to ask you questions. But I'll mark as Exhibit 24 a PowerPoint called "Luzenac America Argonaut Mine Vermont." (Exhibit 24 was marked for identification.) Q. (By Ms. O'Dell) Have you seen that before? MR. SILVER: Leigh, is there a Bates number?	4 5 6 7 8 9 10 11 12 13 14 15 16 17	appreciate it, just so I can have one. MS. O'DELL: Oh, Mark, I'm going to ask just about a couple of the photos and that's it. MR. PROST: Okay. Q. (By Ms. O'Dell) So this is a PowerPoint presentation that we've marked as Exhibit 24. The Bates number is IMERYS 499781. And this is a PowerPoint presentation that outlines the location, geology, history, part of the mine process, the ore, mine plan, mine plan methods, et cetera, for the Argonaut Mine, correct? A. Generally so. I had briefly perused it. Q. And I had started asking you questions about what actually happens in the pit with the
5 6 7 8 9 10 11 12 13 14 15 16 17	MR. PROST: Object to form. A. Generally so, yes. The operator is digging the rock, but also in an informed way. Q. (By Ms. O'Dell) Okay. I'm going to show you and I'll show it to you and then I'm going to I only have one copy, so I'll need to put it on the screen to ask you questions. But I'll mark as Exhibit 24 a PowerPoint called "Luzenac America Argonaut Mine Vermont." (Exhibit 24 was marked for identification.) Q. (By Ms. O'Dell) Have you seen that before? MR. SILVER: Leigh, is there a Bates number? MS. O'DELL: You know, it was produced as a	4 5 6 7 8 9 10 11 12 13 14 15 16 17	appreciate it, just so I can have one. MS. O'DELL: Oh, Mark, I'm going to ask just about a couple of the photos and that's it. MR. PROST: Okay. Q. (By Ms. O'Dell) So this is a PowerPoint presentation that we've marked as Exhibit 24. The Bates number is IMERYS 499781. And this is a PowerPoint presentation that outlines the location, geology, history, part of the mine process, the ore, mine plan, mine plan methods, et cetera, for the Argonaut Mine, correct? A. Generally so. I had briefly perused it. Q. And I had started asking you questions about what actually happens in the pit with the equipment operator and I call that an excavator.
5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. PROST: Object to form. A. Generally so, yes. The operator is digging the rock, but also in an informed way. Q. (By Ms. O'Dell) Okay. I'm going to show you and I'll show it to you and then I'm going to I only have one copy, so I'll need to put it on the screen to ask you questions. But I'll mark as Exhibit 24 a PowerPoint called "Luzenac America Argonaut Mine Vermont." (Exhibit 24 was marked for identification.) Q. (By Ms. O'Dell) Have you seen that before? MR. SILVER: Leigh, is there a Bates number? MS. O'DELL: You know, it was produced as a native file, so it does have a Bates number, but it	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	appreciate it, just so I can have one. MS. O'DELL: Oh, Mark, I'm going to ask just about a couple of the photos and that's it. MR. PROST: Okay. Q. (By Ms. O'Dell) So this is a PowerPoint presentation that we've marked as Exhibit 24. The Bates number is IMERYS 499781. And this is a PowerPoint presentation that outlines the location, geology, history, part of the mine process, the ore, mine plan, mine plan methods, et cetera, for the Argonaut Mine, correct? A. Generally so. I had briefly perused it. Q. And I had started asking you questions about what actually happens in the pit with the equipment operator and I call that an excavator. Is that what you call that?
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. PROST: Object to form. A. Generally so, yes. The operator is digging the rock, but also in an informed way. Q. (By Ms. O'Dell) Okay. I'm going to show you and I'll show it to you and then I'm going to I only have one copy, so I'll need to put it on the screen to ask you questions. But I'll mark as Exhibit 24 a PowerPoint called "Luzenac America Argonaut Mine Vermont." (Exhibit 24 was marked for identification.) Q. (By Ms. O'Dell) Have you seen that before? MR. SILVER: Leigh, is there a Bates number? MS. O'DELL: You know, it was produced as a native file, so it does have a Bates number, but it doesn't appear on the copy.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	appreciate it, just so I can have one. MS. O'DELL: Oh, Mark, I'm going to ask just about a couple of the photos and that's it. MR. PROST: Okay. Q. (By Ms. O'Dell) So this is a PowerPoint presentation that we've marked as Exhibit 24. The Bates number is IMERYS 499781. And this is a PowerPoint presentation that outlines the location, geology, history, part of the mine process, the ore, mine plan, mine plan methods, et cetera, for the Argonaut Mine, correct? A. Generally so. I had briefly perused it. Q. And I had started asking you questions about what actually happens in the pit with the equipment operator and I call that an excavator. Is that what you call that? A. Yes.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. PROST: Object to form. A. Generally so, yes. The operator is digging the rock, but also in an informed way. Q. (By Ms. O'Dell) Okay. I'm going to show you and I'll show it to you and then I'm going to I only have one copy, so I'll need to put it on the screen to ask you questions. But I'll mark as Exhibit 24 a PowerPoint called "Luzenac America Argonaut Mine Vermont." (Exhibit 24 was marked for identification.) Q. (By Ms. O'Dell) Have you seen that before? MR. SILVER: Leigh, is there a Bates number? MS. O'DELL: You know, it was produced as a native file, so it does have a Bates number, but it doesn't appear on the copy. MR. SILVER: Are you able to just tell us	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	appreciate it, just so I can have one. MS. O'DELL: Oh, Mark, I'm going to ask just about a couple of the photos and that's it. MR. PROST: Okay. Q. (By Ms. O'Dell) So this is a PowerPoint presentation that we've marked as Exhibit 24. The Bates number is IMERYS 499781. And this is a PowerPoint presentation that outlines the location, geology, history, part of the mine process, the ore, mine plan, mine plan methods, et cetera, for the Argonaut Mine, correct? A. Generally so. I had briefly perused it. Q. And I had started asking you questions about what actually happens in the pit with the equipment operator and I call that an excavator. Is that what you call that? A. Yes. Q. And excavator operator and the process
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. PROST: Object to form. A. Generally so, yes. The operator is digging the rock, but also in an informed way. Q. (By Ms. O'Dell) Okay. I'm going to show you and I'll show it to you and then I'm going to I only have one copy, so I'll need to put it on the screen to ask you questions. But I'll mark as Exhibit 24 a PowerPoint called "Luzenac America Argonaut Mine Vermont." (Exhibit 24 was marked for identification.) Q. (By Ms. O'Dell) Have you seen that before? MR. SILVER: Leigh, is there a Bates number? MS. O'DELL: You know, it was produced as a native file, so it does have a Bates number, but it doesn't appear on the copy. MR. SILVER: Are you able to just tell us what it is? I'm trying to figure out, is it our	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	appreciate it, just so I can have one. MS. O'DELL: Oh, Mark, I'm going to ask just about a couple of the photos and that's it. MR. PROST: Okay. Q. (By Ms. O'Dell) So this is a PowerPoint presentation that we've marked as Exhibit 24. The Bates number is IMERYS 499781. And this is a PowerPoint presentation that outlines the location, geology, history, part of the mine process, the ore, mine plan, mine plan methods, et cetera, for the Argonaut Mine, correct? A. Generally so. I had briefly perused it. Q. And I had started asking you questions about what actually happens in the pit with the equipment operator and I call that an excavator. Is that what you call that? A. Yes. Q. And excavator operator and the process of loading a truck.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. PROST: Object to form. A. Generally so, yes. The operator is digging the rock, but also in an informed way. Q. (By Ms. O'Dell) Okay. I'm going to show you and I'll show it to you and then I'm going to I only have one copy, so I'll need to put it on the screen to ask you questions. But I'll mark as Exhibit 24 a PowerPoint called "Luzenac America Argonaut Mine Vermont." (Exhibit 24 was marked for identification.) Q. (By Ms. O'Dell) Have you seen that before? MR. SILVER: Leigh, is there a Bates number? MS. O'DELL: You know, it was produced as a native file, so it does have a Bates number, but it doesn't appear on the copy. MR. SILVER: Are you able to just tell us what it is? I'm trying to figure out, is it our document? Is it their document?	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	appreciate it, just so I can have one. MS. O'DELL: Oh, Mark, I'm going to ask just about a couple of the photos and that's it. MR. PROST: Okay. Q. (By Ms. O'Dell) So this is a PowerPoint presentation that we've marked as Exhibit 24. The Bates number is IMERYS 499781. And this is a PowerPoint presentation that outlines the location, geology, history, part of the mine process, the ore, mine plan, mine plan methods, et cetera, for the Argonaut Mine, correct? A. Generally so. I had briefly perused it. Q. And I had started asking you questions about what actually happens in the pit with the equipment operator and I call that an excavator. Is that what you call that? A. Yes. Q. And excavator operator and the process of loading a truck. And so this is the load-and-haul process
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. PROST: Object to form. A. Generally so, yes. The operator is digging the rock, but also in an informed way. Q. (By Ms. O'Dell) Okay. I'm going to show you and I'll show it to you and then I'm going to I only have one copy, so I'll need to put it on the screen to ask you questions. But I'll mark as Exhibit 24 a PowerPoint called "Luzenac America Argonaut Mine Vermont." (Exhibit 24 was marked for identification.) Q. (By Ms. O'Dell) Have you seen that before? MR. SILVER: Leigh, is there a Bates number? MS. O'DELL: You know, it was produced as a native file, so it does have a Bates number, but it doesn't appear on the copy. MR. SILVER: Are you able to just tell us what it is? I'm trying to figure out, is it our	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	appreciate it, just so I can have one. MS. O'DELL: Oh, Mark, I'm going to ask just about a couple of the photos and that's it. MR. PROST: Okay. Q. (By Ms. O'Dell) So this is a PowerPoint presentation that we've marked as Exhibit 24. The Bates number is IMERYS 499781. And this is a PowerPoint presentation that outlines the location, geology, history, part of the mine process, the ore, mine plan, mine plan methods, et cetera, for the Argonaut Mine, correct? A. Generally so. I had briefly perused it. Q. And I had started asking you questions about what actually happens in the pit with the equipment operator and I call that an excavator. Is that what you call that? A. Yes. Q. And excavator operator and the process of loading a truck.

4 (Pages 268 to 271)

	Page 272		Page 274
1	Q. We talked about, yesterday, the	1	Q. And that's true, but that's not really
2	employment of computer programs to create models of	2	what I asked you.
3	ore bodies and I don't know if you recall that	3	I'm asking you, in any respect, in
4	discussion and how data from the general	4	preparation for your deposition, in conjunction
5	geology, data from core logs, core drilling, is	5	with your work as an employee of Imerys, have you
6	inputted into a computer system and models are	6	ever reviewed the computerized ore-body model of
7	created for purposes of mine planning; do you	7	the Argonaut Mine? Yes or no?
8	recall that?	8	MR. PROST: Object to form.
9	A. Yes.	9	A. I may have been shown it in the past, or
10	Q. And would this be an exemplar photo of	10	parts of it. I don't recall any specifics at this
11	an ore body model of the Argonaut Mine?	11	time.
12	A. Can you hand it back so I can see it a	12	Q. (By Ms. O'Dell) You don't know, one way
13	little bit further?	13	or the other, if you've seen the computer model?
14	Q. Oh, sure.	14	As you're sitting here today, you cannot testify,
15	A. (Document reviewed.)	15	under oath, that you
16	Q. And Mr. Downey, just to get back to my	16	A. I can't recall.
17	question, this photo, or this slide, depicts the	17	Q. Let me show you one more map in this
18	ore-body model for the Argonaut Mine, true?	18	PowerPoint.
19	A. I would say that that's an exemplar of	19	Mr. Downey, this is according to this,
20	some attribute of the Argonaut ore body, but what	20	this is a geology map, or a geological map, that
21	attributes are being shown there are not	21	depicts the Argonaut Mine.
22	identified.	22	And what portion of this is talc?
23	Q. And this is certainly this would be	23	MR. PROST: Object to
24	part of the model. You're saying it's not the	24	A. Can you hand it to me?
25	complete model, but it's part of the model of the	25	Q. (By Ms. O'Dell) Yeah, sure.
	Page 273		Page 275
1		1	
	Argonaut ore body, yes? A. Well, to the it says "ore body	1	MR. PROST: Objection to form.
2	model," and to the extent that it's included in a	2	A. (Document reviewed.) Again, the
3	·	3	attributes of what are being depicted aren't shown.
4	document about Argonaut, I would say that that's	4	Q. And can you identify talc in this
5	part of the Argonaut model, but that's not a	5	geological map?
6 7	complete model.	6	A. I can't even tell if they were intending
	Q. And if you'll look at this, Mr. Downey,	7	to try to display talc.
8	this model and the ore that's depicted in this	8	MR. SILVER: Leigh, just for clarification,
9	model, I'm not asking you to go through it in	9	because, again, this document I you say it
10	detail, but it's fair to say there's variability in	10	was reproduced in a native, correct? Did we
11	the talc veins within this ore body, correct?	11	produce it in color? Did we produce it in a black
12	MR. PROST: Object to form.	12	and white? It was in color? Okay.
13	Do you need to look at the document?	13	Q. (By Ms. O'Dell) Let me show you I'm
14	A. The attributes of what's being displayed	14	not sure if it'll show up. There's a glare on the
15	there are not identified.	15	screen, but does that help you? I'll just hand it
16	Q. (By Ms. O'Dell) And in terms of let	16	to you. This is the native version.
17		17	Does that help you understand what's being
	me ask you this: Do you know what portion of this		- ·
18	model depicts talc?	18	shown in this geological map?
18 19	model depicts talc? A. I can't tell from that document.	18 19	shown in this geological map? A. No.
18 19 20	model depicts talc? A. I can't tell from that document. Q. Have you ever seen a model of the	18 19 20	shown in this geological map? A. No. Q. And to be clear for the record, you
18 19 20 21	model depicts talc? A. I can't tell from that document. Q. Have you ever seen a model of the Argonaut ore body?	18 19 20 21	shown in this geological map? A. No. Q. And to be clear for the record, you cannot identify in this geological map, even in
18 19 20 21 22	model depicts talc? A. I can't tell from that document. Q. Have you ever seen a model of the Argonaut ore body? A. In what respect?	18 19 20 21 22	shown in this geological map? A. No. Q. And to be clear for the record, you cannot identify in this geological map, even in color, what portion of that map is talc, correct?
18 19 20 21 22 23	model depicts talc? A. I can't tell from that document. Q. Have you ever seen a model of the Argonaut ore body? A. In what respect? Q. In any respect.	18 19 20 21 22 23	shown in this geological map? A. No. Q. And to be clear for the record, you cannot identify in this geological map, even in color, what portion of that map is talc, correct? A. Again, the map is not labeled as to what
18 19 20 21 22	model depicts talc? A. I can't tell from that document. Q. Have you ever seen a model of the Argonaut ore body? A. In what respect?	18 19 20 21 22	shown in this geological map? A. No. Q. And to be clear for the record, you cannot identify in this geological map, even in color, what portion of that map is talc, correct?

5 (Pages 272 to 275)

duestion is, can you identify talc in that photo? And my understanding of your testimony is that you cannot. A. It's not labeled. I can't from that document, I can't tell anything about it. Q. Put that aside, Mr. Downey. Let me we had some discussions yesterday, a little bit just a moment ago, about the lack of uniformity in talc veins within the ore body, or within a deposit. And what I want to focus on is the emphasis on ore-body control. That was a major focus at the Argonaut Mine, true? Just having control over what ore was being removed from the deposit, true? MR. PROST: Object to form. A. Generally speaking, we employed selective mining as part of the ore-control process was rudimentary? A. I don't know. Q. Don't know. Let me ask you to look at what I'm marking as Exhibit 25. (Exhibit 25 was marked for identification Q. (By Ms. O'Dell) And Mr. Downey, you familiar with Ed McCarthy? A. Yes. Q. And Mr. McCarthy was the technical director or one of the technical directors at Rio Tinto Minerals and later Imerys, correct? A. Yes. MR. PROST: Object to form. A. Generally speaking, we employed selective mining as part of the ore-control process was rudimentary? A. I don't know. Q. Don't know. Let me ask you to look at what I'm marking as Exhibit 25. (Exhibit 25 was marked for identification Q. (By Ms. O'Dell) And Mr. Downey, you familiar with Ed McCarthy? A. Yes. Q. And Mr. McCarthy was the technical director or one of the technical director or one of the technical directors at Rio Tinto Minerals and later Imerys, correct? A. Yes. Q. And this is a memorandum that Mr. McCarthy wrote to Katia Ray. It's regard the Vermont market plant, 2006 to 2010, and dated July 31st, 2006; do you see that? A. Yes. Q. And it is as it says, it's talking about the Vermont mines. And specifically, going to ask you to turn over to page ending? And at this time period, the only active mine	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. In terms of the minerals involved, my question is, can you identify talc in that photo? And my understanding of your testimony is that you cannot. A. It's not labeled. I can't from that document, I can't tell anything about it. Q. Put that aside, Mr. Downey. Let me we had some discussions yesterday, a little bit just a moment ago, about the lack of uniformity in talc veins within the ore body, or within a deposit. And what I want to focus on is the emphasis on ore-body control. That was a major	2 3 4 5 6 7 8 9 10 11	Q. (By Ms. O'Dell) Would it be fair to say that in relation to the Argonaut Mine, the ore-control process was rudimentary? A. I don't know. Q. Don't know. Let me ask you to look at what I'm marking as Exhibit 25. (Exhibit 25 was marked for identification.) Q. (By Ms. O'Dell) And Mr. Downey, you're familiar with Ed McCarthy? A. Yes.
deposit. And what I want to focus on is the emphasis on ore-body control. That was a major focus at the Argonaut Mine, true? MR. PROST: Object to form. A. Generally speaking, we employed procedures. Q. (By Ms. O'Dell) And that ore-control procedures was necessary because there is variability" or which minerals you're talking about. That in relation to the Argonaut Mine, the ore-control process was rudimentary? A. I don't know. Q. Don't know. Let me ask you to look at what I'm marking as Exhibit 25. (Exhibit 25 was marked for identification Q. (By Ms. O'Dell) And Mr. Downey, Year familiar with Ed McCarthy? A. Yes. Q. And Mr. McCarthy was the technical director or ore of the technical directors at Rio Tinto Minerals and later Imerys, correct? A. Yes. Q. And this is a memorandum that Mr. McCarthy wrote to Katia Ray. It's regard the Vermont market plant, 2006; do you see that? A. Yes. Q. And this is -a sit says, it's talking about the Vermont mines. And specifically, going to ask you to turn over to page ending about. Page 277 Page "variability" or which minerals you're talking "variability" or which mi	3 4 5 6 7 8 9 10 11 12 13 14 15	question is, can you identify talc in that photo? And my understanding of your testimony is that you cannot. A. It's not labeled. I can't from that document, I can't tell anything about it. Q. Put that aside, Mr. Downey. Let me we had some discussions yesterday, a little bit just a moment ago, about the lack of uniformity in talc veins within the ore body, or within a deposit. And what I want to focus on is the emphasis on ore-body control. That was a major	3 4 5 6 7 8 9 10 11	that in relation to the Argonaut Mine, the ore-control process was rudimentary? A. I don't know. Q. Don't know. Let me ask you to look at what I'm marking as Exhibit 25. (Exhibit 25 was marked for identification.) Q. (By Ms. O'Dell) And Mr. Downey, you're familiar with Ed McCarthy? A. Yes.
And my understanding of your testimony is that you cannot. A. It's not labeled. I can't from that document, I can't tell anything about it. Q. Put that aside, Mr. Downey. Let me we had some discussions yesterday, a little bit just a moment ago, about the lack of uniformity in talc veins within the ore body, or within a deposit. And what I want to focus on is the semphasis on ore-body control. That was a major control over what ore was being removed from the deposit, true? MR. PROST: Object to form. MR. PROST: Object to form. A. Generally speaking, we employed selective mining as part of the ore-control procedures. Q. (By Ms. O'Dell) And that ore-control procedures. Q. (By Ms. O'Dell) And that ore-control procedures. Q. (By Ms. O'Dell) And that ore-control about the Wermont market plant, 2006 to 2010, and detend July 31st, 2006; do you see that? A. Yes. Q. And it is as it says, it's talking about the Vermont mines. And specifically, going to ask you to turn over to page ending the variability" or which minerals you're talking about. Page 277 "variability" or which minerals you're talking about.	4 5 6 7 8 9 10 11 12 13 14	And my understanding of your testimony is that you cannot. A. It's not labeled. I can't from that document, I can't tell anything about it. Q. Put that aside, Mr. Downey. Let me we had some discussions yesterday, a little bit just a moment ago, about the lack of uniformity in talc veins within the ore body, or within a deposit. And what I want to focus on is the emphasis on ore-body control. That was a major	4 5 6 7 8 9 10 11	ore-control process was rudimentary? A. I don't know. Q. Don't know. Let me ask you to look at what I'm marking as Exhibit 25. (Exhibit 25 was marked for identification.) Q. (By Ms. O'Dell) And Mr. Downey, you're familiar with Ed McCarthy? A. Yes.
5 cannot. 6 A. It's not labeled. I can't from that 7 document, I can't tell anything about it. 8 Q. Put that aside, Mr. Downey. Let me 9 we had some discussions yesterday, a little bit 10 just a moment ago, about the lack of uniformity in 11 talc veins within the ore body, or within a 12 deposit. And what I want to focus on is the 13 emphasis on ore-body control. That was a major 14 focus at the Argonaut Mine, true? Just having 15 control over what ore was being removed from the 16 deposit, true? 17 MR. PROST: Object to form. 18 A. Generally speaking, we employed 19 selective mining as part of the ore-control 20 procedures. 21 Q. (By Ms. O'Dell) And that ore-control 22 procedures was necessary because there is 23 variability in the minerals contained in the 24 deposit, true? 25 A. I'm not sure what you mean by 26 A. I'm not sure what many first alking 27 about. 28 A. I don't know. 29 Q. Don't know. 20 Let me ask you to look at what I'm markit as Exhibit 25. (Exhibit 25. (Exhibit 25. (Exhibit 25 was marked for identification 10 Just a moment ago, about the lack of uniformity in 11 talc veins within the ore body, or within a 12 familiar with Ed McCarthy? 12 A. Yes. 13 Q. And Mr. McCarthy was the technical directors at Rio Tinto Minerals and later Imerys, correct? 14 A. Yes. 15 Q. And this is a memorandum that 18 Mr. McCarthy wrote to Katia Ray. It's regard the Vermont market plant, 2006 to 2010, and dated July 31st, 2006; do you see that? 20 A. Yes. 21 Q. (By Ms. O'Dell) And that ore-control 22 procedures was necessary because there is 23 Q. And it is as it says, it's talking 24 deposit, true? 25 A. I'm not sure what you mean by 26 And at this time period, the only active mine 27 Page 28 Vermont in the early 2000s would have been 28 Argonaut, correct?	5 6 7 8 9 10 11 12 13 14	cannot. A. It's not labeled. I can't from that document, I can't tell anything about it. Q. Put that aside, Mr. Downey. Let me we had some discussions yesterday, a little bit just a moment ago, about the lack of uniformity in talc veins within the ore body, or within a deposit. And what I want to focus on is the emphasis on ore-body control. That was a major	5 6 7 8 9 10 11	A. I don't know. Q. Don't know. Let me ask you to look at what I'm marking as Exhibit 25. (Exhibit 25 was marked for identification.) Q. (By Ms. O'Dell) And Mr. Downey, you're familiar with Ed McCarthy? A. Yes.
A. It's not labeled. I can't from that document, I can't tell anything about it. Q. Put that aside, Mr. Downey. Let me we had some discussions yesterday, a little bit just a moment ago, about the lack of uniformity in talc veins within the ore body, or within a deposit. And what I want to focus on is the membasis on ore-body control. That was a major focus at the Argonaut Mine, true? Just having control over what ore was being removed from the deposit, true? MR. PROST: Object to form. A. Generally speaking, we employed selective mining as part of the ore-control procedures. Q. (By Ms. O'Dell) And Mr. Downey, y familiar with Ed McCarthy? A. Yes. Q. And Mr. McCarthy was the technical director or one of the technical directors at Rio Tinto Minerals and later Imerys, correct? A. Yes. Q. And this is a memorandum that Mr. McCarthy wrote to Katia Ray. It's regard the Vermont market plant, 2006 to 2010, and dated July 31st, 2006; do you see that? A. Yes. Q. (By Ms. O'Dell) And that ore-control procedures was necessary because there is 22 Q. And it is as it says, it's talking about the Vermont mines. And specifically, going to ask you to turn over to page ending to A. I'm not sure what you mean by Page 277 Page "variability" or which minerals you're talking "variability" or which minerals you're talking about. Page 277	6 7 8 9 10 11 12 13 14	A. It's not labeled. I can't from that document, I can't tell anything about it. Q. Put that aside, Mr. Downey. Let me we had some discussions yesterday, a little bit just a moment ago, about the lack of uniformity in talc veins within the ore body, or within a deposit. And what I want to focus on is the emphasis on ore-body control. That was a major	6 7 8 9 10 11	Q. Don't know. Let me ask you to look at what I'm marking as Exhibit 25. (Exhibit 25 was marked for identification.) Q. (By Ms. O'Dell) And Mr. Downey, you're familiar with Ed McCarthy? A. Yes.
document, I can't tell anything about it. Q. Put that aside, Mr. Downey. Let me we had some discussions yesterday, a little bit just a moment ago, about the lack of uniformity in talc veins within the ore body, or within a deposit. And what I want to focus on is the emphasis on ore-body control. That was a major focus at the Argonaut Mine, true? Just having control over what ore was being removed from the deposit, true? MR. PROST: Object to form. A. Generally speaking, we employed selective mining as part of the ore-control procedures. Q. (By Ms. O'Dell) And that ore-control procedures was necessary because there is Q. (By Ms. O'Dell) And that ore-control A. Yes. Q. And it is as it says, it's talking about the Vermont mines. And specifically, going to ask you to look at what I'm marking as Exhibit 25. (Exhibit 25 was marked for identification Q. (By Ms. O'Dell) And Mr. Downey, you familiar with Ed McCarthy? A. Yes. Q. And Mr. McCarthy was the technical directors at Rio Tinto Minerals and later Imerys, correct? A. Yes. Q. And this is a memorandum that Mr. McCarthy wrote to Katia Ray. It's regard the Vermont market plant, 2006 to 2010, and dated July 31st, 2006; do you see that? A. Yes. Q. (By Ms. O'Dell) And that ore-control A. Yes. Q. And it is as it says, it's talking about the Vermont mines. And specifically, going to ask you to turn over to page ending the procedure was necessary because there is A. I'm not sure what you mean by And at this time period, the only active mine Page 277 Page Vermont in the early 2000s would have been Argonaut, correct?	7 8 9 10 11 12 13 14	document, I can't tell anything about it. Q. Put that aside, Mr. Downey. Let me we had some discussions yesterday, a little bit just a moment ago, about the lack of uniformity in talc veins within the ore body, or within a deposit. And what I want to focus on is the emphasis on ore-body control. That was a major	7 8 9 10 11 12	Let me ask you to look at what I'm marking as Exhibit 25. (Exhibit 25 was marked for identification.) Q. (By Ms. O'Dell) And Mr. Downey, you're familiar with Ed McCarthy? A. Yes.
8 Q. Put that aside, Mr. Downey. Let me 9 we had some discussions yesterday, a little bit 10 just a moment ago, about the lack of uniformity in 11 talc veins within the ore body, or within a 12 deposit. And what I want to focus on is the 13 emphasis on ore-body control. That was a major 14 focus at the Argonaut Mine, true? Just having 15 control over what ore was being removed from the 16 deposit, true? 17 MR. PROST: Object to form. 18 A. Generally speaking, we employed 19 selective mining as part of the ore-control 20 procedures. 21 Q. (By Ms. O'Dell) And that ore-control 22 procedures was necessary because there is 23 variability in the minerals contained in the 24 deposit, true? 25 A. I'm not sure what you mean by 28 as Exhibit 25. 9 (Exhibit 25 was marked for identification 20 Q. (By Ms. O'Dell) And that ore-control 21 A. Yes. 22 Q. And Mr. McCarthy was the technical directors at Rio Tinto Minerals and later Imerys, correct? 26 A. Yes. 27 Q. And this is a memorandum that 28 Mr. McCarthy wrote to Katia Ray. It's regard the Vermont market plant, 2006 to 2010, and dated July 31st, 2006; do you see that? 29 A. Yes. 20 Q. And it is as it says, it's talking about the Vermont mines. And specifically, going to ask you to turn over to page ending to a say you to turn over to page ending to A. I'm not sure what you mean by 20 Page 277 21 Vermont in the early 2000s would have been Argonaut, correct?	8 9 10 11 12 13 14	Q. Put that aside, Mr. Downey. Let me we had some discussions yesterday, a little bit just a moment ago, about the lack of uniformity in talc veins within the ore body, or within a deposit. And what I want to focus on is the emphasis on ore-body control. That was a major	8 9 10 11 12	as Exhibit 25. (Exhibit 25 was marked for identification.) Q. (By Ms. O'Dell) And Mr. Downey, you're familiar with Ed McCarthy? A. Yes.
we had some discussions yesterday, a little bit just a moment ago, about the lack of uniformity in talc veins within the ore body, or within a deposit. And what I want to focus on is the emphasis on ore-body control. That was a major focus at the Argonaut Mine, true? Just having control over what ore was being removed from the deposit, true? MR. PROST: Object to form. A. Generally speaking, we employed selective mining as part of the ore-control procedures. Q. Mad Mr. McCarthy was the technical directors at Mr. McCarthy wrote to Katia Ray. It's regard the Vermont market plant, 2006 to 2010, and dated July 31st, 2006; do you see that? Q. And it is as it says, it's talking about the Vermont mines. And specifically, going to ask you to turn over to page ending to And at this time period, the only active mine Page 277 Page "variability" or which minerals you're talking about. Page 277 Page Vermont in the early 2000s would have been Argonaut, correct?	9 10 11 12 13 14	we had some discussions yesterday, a little bit just a moment ago, about the lack of uniformity in talc veins within the ore body, or within a deposit. And what I want to focus on is the emphasis on ore-body control. That was a major	9 10 11 12	(Exhibit 25 was marked for identification.) Q. (By Ms. O'Dell) And Mr. Downey, you're familiar with Ed McCarthy? A. Yes.
just a moment ago, about the lack of uniformity in talc veins within the ore body, or within a deposit. And what I want to focus on is the emphasis on ore-body control. That was a major focus at the Argonaut Mine, true? Just having to deposit, true? MR. PROST: Object to form. A. Generally speaking, we employed selective mining as part of the ore-control procedures. Q. (By Ms. O'Dell) And Mr. Downey, year familiar with Ed McCarthy? A. Yes. A. Yes. A. Yes. A. Yes. Rio Tinto Minerals and later Imerys, correct? A. Yes. Q. And this is a memorandum that Mr. McCarthy wrote to Katia Ray. It's regard the Vermont market plant, 2006 to 2010, and dated July 31st, 2006; do you see that? Q. (By Ms. O'Dell) And that ore-control procedures was necessary because there is variability in the minerals contained in the deposit, true? A. Yes. Q. And it is as it says, it's talking about the Vermont mines. And specifically, about the Vermont in the early 2000s would have been about.	10 11 12 13 14 15	just a moment ago, about the lack of uniformity in talc veins within the ore body, or within a deposit. And what I want to focus on is the emphasis on ore-body control. That was a major	10 11 12	Q. (By Ms. O'Dell) And Mr. Downey, you're familiar with Ed McCarthy? A. Yes.
just a moment ago, about the lack of uniformity in talc veins within the ore body, or within a deposit. And what I want to focus on is the emphasis on ore-body control. That was a major focus at the Argonaut Mine, true? Just having to deposit, true? MR. PROST: Object to form. A. Generally speaking, we employed selective mining as part of the ore-control procedures. Q. (By Ms. O'Dell) And Mr. Downey, year familiar with Ed McCarthy? A. Yes. A. Yes. A. Yes. A. Yes. Rio Tinto Minerals and later Imerys, correct? A. Yes. Q. And this is a memorandum that Mr. McCarthy wrote to Katia Ray. It's regard the Vermont market plant, 2006 to 2010, and dated July 31st, 2006; do you see that? Q. (By Ms. O'Dell) And that ore-control procedures was necessary because there is variability in the minerals contained in the deposit, true? A. Yes. Q. And it is as it says, it's talking about the Vermont mines. And specifically, about the Vermont in the early 2000s would have been about.	11 12 13 14 15	just a moment ago, about the lack of uniformity in talc veins within the ore body, or within a deposit. And what I want to focus on is the emphasis on ore-body control. That was a major	11 12	Q. (By Ms. O'Dell) And Mr. Downey, you're familiar with Ed McCarthy? A. Yes.
talc veins within the ore body, or within a deposit. And what I want to focus on is the emphasis on ore-body control. That was a major focus at the Argonaut Mine, true? Just having control over what ore was being removed from the deposit, true? MR. PROST: Object to form. A. Generally speaking, we employed selective mining as part of the ore-control procedures. Q. (By Ms. O'Dell) And that ore-control procedures was necessary because there is variability in the minerals contained in the deposit, true? A. Yes. Q. And this is a memorandum that Mr. McCarthy wrote to Katia Ray. It's regard the Vermont market plant, 2006 to 2010, and dated July 31st, 2006; do you see that? A. Yes. Q. And it is as it says, it's talking about the Vermont mines. And specifically, going to ask you to turn over to page ending to And at this time period, the only active mine Page 277 Page "variability" or which minerals you're talking about. Page about.	12 13 14 15	talc veins within the ore body, or within a deposit. And what I want to focus on is the emphasis on ore-body control. That was a major	12	familiar with Ed McCarthy? A. Yes.
deposit. And what I want to focus on is the emphasis on ore-body control. That was a major focus at the Argonaut Mine, true? Just having 14 director or one of the technical directors at the Control over what ore was being removed from the deposit, true? 16 deposit, true? 16 A. Yes. 17 MR. PROST: Object to form. 17 Q. And this is a memorandum that 18 A. Generally speaking, we employed 18 Mr. McCarthy wrote to Katia Ray. It's regard the Vermont market plant, 2006 to 2010, and 20 procedures. 20 dated July 31st, 2006; do you see that? 21 Q. (By Ms. O'Dell) And that ore-control 21 A. Yes. 22 procedures was necessary because there is 22 Q. And it is as it says, it's talking 23 variability in the minerals contained in the 23 about the Vermont mines. And specifically, 24 deposit, true? 24 going to ask you to turn over to page ending the Control 25 And at this time period, the only active mine 26 Page 277 1 "variability" or which minerals you're talking 2 Argonaut, correct?	13 14 15	emphasis on ore-body control. That was a major		A. Yes.
emphasis on ore-body control. That was a major focus at the Argonaut Mine, true? Just having focus at the Argonaut fire technical director or one of the technical directors at Rio Tinto Minerals and later Imerys, correct? A. Yes. Q. And this is a memorandum that Mr. McCarthy wrote to Katia Ray. It's regard the Vermont market plant, 2006 to 2010, and dated July 31st, 2006; do you see that? A. Yes. Q. (By Ms. O'Dell) And that ore-control 21	14 15	emphasis on ore-body control. That was a major	13	O And Mr. MaCanther was the training
focus at the Argonaut Mine, true? Just having control over what ore was being removed from the deposit, true? MR. PROST: Object to form. A. Generally speaking, we employed selective mining as part of the ore-control procedures. Q. (By Ms. O'Dell) And that ore-control procedures was necessary because there is variability in the minerals contained in the deposit, true? Page 277 The director or one of the technical directors at Rio Tinto Minerals and later Imerys, correct? Rio Tinto Minerals and later Imerys, correct? A. Yes. Q. And this is a memorandum that Mr. McCarthy wrote to Katia Ray. It's regard the Vermont market plant, 2006 to 2010, and dated July 31st, 2006; do you see that? A. Yes. Q. (By Ms. O'Dell) And that ore-control procedures was necessary because there is 22 Q. And it is as it says, it's talking about the Vermont mines. And specifically, going to ask you to turn over to page ending about the Vermont mines. And at this time period, the only active mine Page 277 Page "variability" or which minerals you're talking about. Page 277 Page Argonaut, correct?	15	-		Q. And IVIT. IVICCARTING Was the technical
control over what ore was being removed from the deposit, true? 16 deposit, true? 17 MR. PROST: Object to form. 18 A. Generally speaking, we employed 19 selective mining as part of the ore-control 20 procedures. 21 Q. (By Ms. O'Dell) And that ore-control 22 procedures was necessary because there is 23 variability in the minerals contained in the 24 deposit, true? 25 A. I'm not sure what you mean by Page 277			14	director or one of the technical directors at
deposit, true? MR. PROST: Object to form. A. Generally speaking, we employed selective mining as part of the ore-control procedures. Q. And this is a memorandum that Mr. McCarthy wrote to Katia Ray. It's regard the Vermont market plant, 2006 to 2010, and dated July 31st, 2006; do you see that? Q. (By Ms. O'Dell) And that ore-control procedures was necessary because there is Q. (By Ms. O'Dell) And that ore-control A. Yes. Q. And it is as it says, it's talking about the Vermont mines. And specifically, deposit, true? A. I'm not sure what you mean by Page 277 Page "variability" or which minerals you're talking about. Page 277 Page Argonaut, correct?	16	control over what ore was being removed from the	15	Rio Tinto Minerals and later Imerys, correct?
MR. PROST: Object to form. 18 A. Generally speaking, we employed 19 selective mining as part of the ore-control 20 procedures. 21 Q. (By Ms. O'Dell) And that ore-control 22 procedures was necessary because there is 23 variability in the minerals contained in the 24 deposit, true? 25 A. I'm not sure what you mean by Page 277 Page 1 "variability" or which minerals you're talking 2 Argonaut, correct? Nr. McCarthy wrote to Katia Ray. It's regard the Vermont market plant, 2006 to 2010, and dated July 31st, 2006; do you see that? A. Yes. Q. And it is as it says, it's talking about the Vermont mines. And specifically, going to ask you to turn over to page ending about. Page 277 Page Argonaut, correct?	Тρ		16	
A. Generally speaking, we employed selective mining as part of the ore-control procedures. Q. (By Ms. O'Dell) And that ore-control 21 A. Yes. Procedures was necessary because there is 22 Q. And it is as it says, it's talking about the Vermont mines. And specifically, 24 deposit, true? 24 going to ask you to turn over to page ending 32 A. I'm not sure what you mean by 25 And at this time period, the only active mine 26 Page 277 "variability" or which minerals you're talking 27 Argonaut, correct?	17	-	17	Q. And this is a memorandum that
selective mining as part of the ore-control procedures. Q. (By Ms. O'Dell) And that ore-control procedures was necessary because there is variability in the minerals contained in the deposit, true? A. I'm not sure what you mean by Page 277 the Vermont market plant, 2006 to 2010, and dated July 31st, 2006; do you see that? A. Yes. Q. And it is as it says, it's talking about the Vermont mines. And specifically, about the Vermont mines. And specifically, about the Vermont mines. And specifically, about the Vermont mines. And at this time period, the only active mine page 277 Page 277 Page 277 A. Yes. Vermont in the early 2000s would have been about.	18	•	18	
procedures. Q. (By Ms. O'Dell) And that ore-control procedures was necessary because there is variability in the minerals contained in the deposit, true? A. I'm not sure what you mean by Page 277 variability" or which minerals you're talking about. 20 dated July 31st, 2006; do you see that? A. Yes. Q. And it is as it says, it's talking about the Vermont mines. And specifically, going to ask you to turn over to page ending a And at this time period, the only active mine Page 277 Page Vermont in the early 2000s would have been about. Argonaut, correct?	19		19	
Q. (By Ms. O'Dell) And that ore-control 21 A. Yes. Q. And it is as it says, it's talking 23 variability in the minerals contained in the 24 deposit, true? 25 A. I'm not sure what you mean by Page 277 Page 1 "variability" or which minerals you're talking 2 about. Page 277 Page A. Yes. Q. And it is as it says, it's talking about the Vermont mines. And specifically, going to ask you to turn over to page ending and at this time period, the only active mine Page 277 Page Argonaut, correct?	20	_	20	•
procedures was necessary because there is variability in the minerals contained in the deposit, true? A. I'm not sure what you mean by Page 277 "variability" or which minerals you're talking about the Vermont mines. And specifically, going to ask you to turn over to page ending a And at this time period, the only active mine Page 277 Page Argonaut, correct?	21	-	21	
variability in the minerals contained in the deposit, true? A. I'm not sure what you mean by Page 277 "variability" or which minerals you're talking about. 23 about the Vermont mines. And specifically, going to ask you to turn over to page ending to the only active mine. Page 277 Vermont in the early 2000s would have been about. Argonaut, correct?	22		22	O. And it is as it says, it's talking
deposit, true? A. I'm not sure what you mean by Page 277 variability" or which minerals you're talking about. 24 going to ask you to turn over to page ending and at this time period, the only active mine Page 277 Page 4 Vermont in the early 2000s would have been Argonaut, correct?	23	-	23	
25 A. I'm not sure what you mean by 25 And at this time period, the only active mine Page 277 Page Vermont in the early 2000s would have been about. 2 Argonaut, correct?	24	•	24	
Page 277 Page 277 Vermont in the early 2000s would have been 2 about. Page 277 Argonaut, correct?	25			And at this time period, the only active mine in
2 about. 2 Argonaut, correct?		Page 277		Page 279
2 about. 2 Argonaut, correct?	1	"variability" or which minerals you're talking	1	Vermont in the early 2000s would have been
	2		2	
				-
	4		4	Q. And Mr. McCarthy describes the present
		*		situation at the Vermont facility; do you see that?
6 deposit, that's why it's necessary to maintain ore 6 A. I see a paragraph with the header	6			
7 control during selective mining process, correct? 7 "Present Situation." I haven't read it.	7	* '	7	2 7 2
	8		8	Q. If you'll look at sentence number two,
9 employed for a variety of reasons to control the 9 Mr. McCarthy writes, "It is very critical that	9	employed for a variety of reasons to control the	9	Mr. McCarthy writes, "It is very critical that care
	10		10	be exercised near the limits of the talc zones as
	11		11	serpentine and arsenic are commonly found there.
	12		12	In theory, the ore is segregated by talc content,
	13		13	color, and arsenic content at the mine face, but in
			14	actuality, mine ore control is rudimentary and is
processing, true? 15 generally based on post-milling rather than				
	15		16	drill-hole analyses"; did I read that correctly?
Q. And that would not be necessary unless 17 A. That's what it says.		Q. And that would not be necessary unless		*
· · · · · · · · · · · · · · · · · · ·	16		18	Q. You may put that aside, Mr. Downey.
	16 17	the ore was excuse me, the deposit was variable	19	We also talked a bit yesterday in relation
	16 17 18	-	20	to the Hamm Mine about the drilling process. We
A. Again, vary you're I'm not sure 21 reviewed a core log. And now we're going to	16 17 18 19	in nature in terms of its components, correct?		
how you're using "variable," but in relationship to 22 that in relation to the Argonaut Mine.	16 17 18 19 20	in nature in terms of its components, correct? MR. PROST: Object to form.	21	reviewed a core log. And now we're going to do
	16 17 18 19 20 21	in nature in terms of its components, correct? MR. PROST: Object to form. A. Again, vary you're I'm not sure		
as we employ selective mining, the orientation of 24 going to show you a picture. I think it'll be	16 17 18 19 20 21	in nature in terms of its components, correct? MR. PROST: Object to form. A. Again, vary you're I'm not sure how you're using "variable," but in relationship to	22	
the ore and the other rocks is considered when we 25 fair.	16 17 18 19 20 21 22 23	in nature in terms of its components, correct? MR. PROST: Object to form. A. Again, vary you're I'm not sure how you're using "variable," but in relationship to now certain rock types are in contact with others,	22 23	that in relation to the Argonaut Mine. Before I do, I want to show you I'm just

	Page 280		Page 282
1	MS. O'DELL: This is another Luzenac America	1	removed and makes a description of what he or she
2	Argonaut Mine Vermont slide deck that was produced	2	sees in terms of the mineralogy, fair?
3	to us in the litigation. I'm going to mark it as	3	A. Fair.
4	Exhibit 26.	4	Q. And data from those cores can then be
5	(Exhibit 26 was marked for identification.)	5	inputted like this into a program and Techbase
6	MS. O'DELL: And I'll provide the Bates	6	is a program that creates geological models,
7	number for the record in just a moment.	7	correct?
8	Q. (By Ms. O'Dell) I'm only going to ask	8	A. Yes. Techbase is a mine-planning
9	you, really, a couple of questions just about some	9	software.
10	photos just to give the jury context.	10	Q. And then data from the core cores, as
11	Would this be a picture of how drill cores	11	documented in the core logs, is inputted into
12	are maintained over the years? So that what I'm	12	software like Techbase, and then, from that
13	pointing to, that's a drill core, correct?	13	software, takes those data points and basically
14	A. Can I see it closer?	14	creates the model of the ore body, true?
15	Q. Yeah, sure.	15	A. Are you saying that that's what the
16	A. (Document reviewed.)	16	software does?
17	MS. O'DELL: And for the record, Exhibit 26	17	
18	is IMERYS 499765.	18	Q. Yes. They generate the they generate
19	Q. (By Ms. O'Dell) Thank you. Can you see	19	the computer model. A. Well, the software is a tool, but it's
20	that, Mr. Downey?	20	
21	A. (Nodded head.)	21	based on the geologist's interpretation.
22	Q. Pointing out with my pen here what looks	22	Q. And the geologist has input, but ultimately, the software generates the model.
23		23	And a lot of the data that is used to create
24	like a cylinder-like piece of material or rock. A. That's drill core.	23	the model is from the cores that have been drilled
25	Q. And that's drill core?	25	
			in that particular mine, true?
	Page 281		Page 283
1	A. Yes.	1	A. There's cores and there are other
2	Q. And drill core is historically	2	information, but the software itself doesn't
3	maintained in boxes that look something like this,	3	generate the model on its own. It's not
4	correct?	4	autonomous.
5	A. Yes. I've also at other places where	5	Q. Well, Mr. Downey and I don't think
6	I've seen core, not specifically Argonaut, they can	6	that my question suggested I thought that the
7	be in cardboard boxes.	7	software was autonomous.
8	Q. Cardboard boxes, wooden boxes, something	8	It's a tool that geologists use to create a
9	like that?	9	model of an ore body, true?
10	A. Mm-hmm.	10	MR. PROST: Object to form.
11	Q. And when we've talked about drill core	11	A. Yes. I said it was a tool.
12	and we read the logs, basically, we're reading what	12	Q. (By Ms. O'Dell) And they're creating a
13	the geologist has noted as he or she has	13	picture of the ore body, correct?
14	reviewed just the core on a foot-by-foot basis,	14	A. They are
15			
13	correct?	15	Q. A 3D picture, but a picture of the ore
16	A. Generally so, yes.	15 16	body, a model.
	A. Generally so, yes. Q. And so I'm just using this as a picture		
16	A. Generally so, yes.	16	body, a model.
16 17	A. Generally so, yes. Q. And so I'm just using this as a picture	16 17	body, a model. A. The mine-planning software is used to
16 17 18	A. Generally so, yes. Q. And so I'm just using this as a picture to give the jury a better understanding of what	16 17 18	body, a model. A. The mine-planning software is used to make a three-dimensional model of the ore body, and
16 17 18 19	A. Generally so, yes. Q. And so I'm just using this as a picture to give the jury a better understanding of what we're describing. So we look at a core log, we start at a point, let's say that that point is the surface of	16 17 18 19	body, a model. A. The mine-planning software is used to make a three-dimensional model of the ore body, and many different types of parameters can be modeled.
16 17 18 19 20	A. Generally so, yes. Q. And so I'm just using this as a picture to give the jury a better understanding of what we're describing. So we look at a core log, we start at a	16 17 18 19 20	body, a model. A. The mine-planning software is used to make a three-dimensional model of the ore body, and many different types of parameters can be modeled. Q. And to use an analogy, if you're
16 17 18 19 20 21	A. Generally so, yes. Q. And so I'm just using this as a picture to give the jury a better understanding of what we're describing. So we look at a core log, we start at a point, let's say that that point is the surface of	16 17 18 19 20 21	body, a model. A. The mine-planning software is used to make a three-dimensional model of the ore body, and many different types of parameters can be modeled. Q. And to use an analogy, if you're thinking of a picture, the more pixels in a
16 17 18 19 20 21 22	A. Generally so, yes. Q. And so I'm just using this as a picture to give the jury a better understanding of what we're describing. So we look at a core log, we start at a point, let's say that that point is the surface of the earth, that would be zero, and then it goes	16 17 18 19 20 21	body, a model. A. The mine-planning software is used to make a three-dimensional model of the ore body, and many different types of parameters can be modeled. Q. And to use an analogy, if you're thinking of a picture, the more pixels in a picture, the more clear the resolution is, the

7 (Pages 280 to 283)

1	Page 284		Page 286
1	applied it to this context of creating a geological	1	Q. And that appears to depict a hole that
2	model of the ore body using Argonaut as example,	2	was drilled in 1972 at an angle of 35 degrees;
3	the more information, or in other words, the more	3	would you agree with that?
4	pixels that you have, the better the model. That's	4	A. I can't tell if that's a dip or a
5	fair?	5	bearing. It just says "35 degrees." I can't tell
6	A. Generally so, yes.	6	anything further.
7	Q. And one of the data points or pixels in	7	Q. And the notes are made from, it appears,
8	the process of creating an ore-body model is the	8	zero to 72 feet and 6 inches; do you see that? And
9	data that's taken from the drill cores, true?	9	then it says "HW."
10	A. One of the pixels? I don't quite follow	10	A. That's what it says.
11	that as an analogy.	11	Q. And "HW" means hanging wall; would you
12	Q. All right. Let me turn your attention	12	agree with me on that point?
13	to Exhibit 27.	13	A. It might.
14		14	
15	(Exhibit 27 was marked for identification.) MS. O'DELL: It's Bates number	15	Q. And what else might it stand for in the
16		16	context of a core log like this?
17	IMERYS 427326.		A. I don't know. I've I'm just seeing this document for the first time.
	Q. (By Ms. O'Dell) Have you seen this document before?	17	
18	***************************************	18	Q. Have you reviewed, in preparation for
19	A. No.	19	your deposition, core logs for the Argonaut Mine?
20	Q. And if you'll turn to page 1 in the	20	A. I have reviewed a few.
21	document.	21	Q. For Argonaut or for another mine?
22	A. Meaning not the cover?	22	A. For Argonaut.
23	Q. Yeah, excuse me. Page 2. Page 2 in the	23	Q. And what Argonaut cores did you review?
24	document.	24	A. I don't recall the numbers. I
25	These notes appear to be notes made of drill	25	Q. You did not review this notation of the
	Page 285		Page 287
1	cores from 1972; do you see that?	1	cores drilled in 1972?
2	A. I see dates in August of '72.	2	A. I don't recall.
3	Q. So this is August 31st, 1972. And these	3	Q. And if you'll look, as it goes down in
4	are notes that were made for four holes, it	4	hole number 1, you'll see, from 177 feet to 179, it
5	appears or three holes that were drilled at	5	says "cinder and chlorite"; do you see that?
6	Argonaut; do you see that?	6	A. Yes.
7	A. I don't see any indication of Argonaut.	7	Q. And moving down further, from 180 feet
8	Q. And let me ask you just to assume and	8	to 181 feet below surface, it notes "cinder"; do
9	I'm going to show you in just a moment that these,	9	
	gg ,		you see that?
10	in fact, appear to be from Argonaut, but all I've	10	you see that? A. Yes.
10 11		10 11	-
	in fact, appear to be from Argonaut, but all I've		A. Yes.
11	in fact, appear to be from Argonaut, but all I've got and I'll show you this document, which is	11	A. Yes.Q. And so this appears to be a core that
11 12	in fact, appear to be from Argonaut, but all I've got and I'll show you this document, which is page 332. It notes "Argonaut."	11 12	A. Yes. Q. And so this appears to be a core that was drilled in 1972?
11 12 13	in fact, appear to be from Argonaut, but all I've got and I'll show you this document, which is page 332. It notes "Argonaut." A. Is that in this stack?	11 12 13	A. Yes. Q. And so this appears to be a core that was drilled in 1972? MR. PROST: Object to form.
11 12 13 14	in fact, appear to be from Argonaut, but all I've got and I'll show you this document, which is page 332. It notes "Argonaut." A. Is that in this stack? Q. Yes. Page 332.	11 12 13 14	A. Yes. Q. And so this appears to be a core that was drilled in 1972? MR. PROST: Object to form. A. It appears that the drill-hole number is
11 12 13 14 15	in fact, appear to be from Argonaut, but all I've got and I'll show you this document, which is page 332. It notes "Argonaut." A. Is that in this stack? Q. Yes. Page 332. MR. PROST: Object to form.	11 12 13 14 15	A. Yes. Q. And so this appears to be a core that was drilled in 1972? MR. PROST: Object to form. A. It appears that the drill-hole number is 1-R-72. I would assume that means 1972.
11 12 13 14 15	in fact, appear to be from Argonaut, but all I've got and I'll show you this document, which is page 332. It notes "Argonaut." A. Is that in this stack? Q. Yes. Page 332. MR. PROST: Object to form. Q. (By Ms. O'Dell) It notes "Argonaut,"	11 12 13 14 15	A. Yes. Q. And so this appears to be a core that was drilled in 1972? MR. PROST: Object to form. A. It appears that the drill-hole number is 1-R-72. I would assume that means 1972. Q. (By Ms. O'Dell) Typically the year the
11 12 13 14 15 16 17	in fact, appear to be from Argonaut, but all I've got and I'll show you this document, which is page 332. It notes "Argonaut." A. Is that in this stack? Q. Yes. Page 332. MR. PROST: Object to form. Q. (By Ms. O'Dell) It notes "Argonaut," correct, at the top of the page?	11 12 13 14 15 16	A. Yes. Q. And so this appears to be a core that was drilled in 1972? MR. PROST: Object to form. A. It appears that the drill-hole number is 1-R-72. I would assume that means 1972. Q. (By Ms. O'Dell) Typically the year the hole is drilled is in the reference to that
11 12 13 14 15 16 17	in fact, appear to be from Argonaut, but all I've got and I'll show you this document, which is page 332. It notes "Argonaut." A. Is that in this stack? Q. Yes. Page 332. MR. PROST: Object to form. Q. (By Ms. O'Dell) It notes "Argonaut," correct, at the top of the page? A. "Location corrections Argonaut," it's a	11 12 13 14 15 16 17	A. Yes. Q. And so this appears to be a core that was drilled in 1972? MR. PROST: Object to form. A. It appears that the drill-hole number is 1-R-72. I would assume that means 1972. Q. (By Ms. O'Dell) Typically the year the hole is drilled is in the reference to that specific hole, correct?
11 12 13 14 15 16 17 18	in fact, appear to be from Argonaut, but all I've got and I'll show you this document, which is page 332. It notes "Argonaut." A. Is that in this stack? Q. Yes. Page 332. MR. PROST: Object to form. Q. (By Ms. O'Dell) It notes "Argonaut," correct, at the top of the page? A. "Location corrections Argonaut," it's a different date. I don't know if it correlates to the 1972 information in the front or not.	11 12 13 14 15 16 17 18	A. Yes. Q. And so this appears to be a core that was drilled in 1972? MR. PROST: Object to form. A. It appears that the drill-hole number is 1-R-72. I would assume that means 1972. Q. (By Ms. O'Dell) Typically the year the hole is drilled is in the reference to that specific hole, correct? A. Typically it is, yes.
11 12 13 14 15 16 17 18 19 20	in fact, appear to be from Argonaut, but all I've got and I'll show you this document, which is page 332. It notes "Argonaut." A. Is that in this stack? Q. Yes. Page 332. MR. PROST: Object to form. Q. (By Ms. O'Dell) It notes "Argonaut," correct, at the top of the page? A. "Location corrections Argonaut," it's a different date. I don't know if it correlates to the 1972 information in the front or not. Q. Okay. Let me take you back to page 2 of	11 12 13 14 15 16 17 18 19 20	A. Yes. Q. And so this appears to be a core that was drilled in 1972? MR. PROST: Object to form. A. It appears that the drill-hole number is 1-R-72. I would assume that means 1972. Q. (By Ms. O'Dell) Typically the year the hole is drilled is in the reference to that specific hole, correct? A. Typically it is, yes. Q. And so if you'll look to the right, you
11 12 13 14 15 16 17 18 19 20 21	in fact, appear to be from Argonaut, but all I've got and I'll show you this document, which is page 332. It notes "Argonaut." A. Is that in this stack? Q. Yes. Page 332. MR. PROST: Object to form. Q. (By Ms. O'Dell) It notes "Argonaut," correct, at the top of the page? A. "Location corrections Argonaut," it's a different date. I don't know if it correlates to the 1972 information in the front or not. Q. Okay. Let me take you back to page 2 of the exhibit. When you look at the upper-left	11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. And so this appears to be a core that was drilled in 1972? MR. PROST: Object to form. A. It appears that the drill-hole number is 1-R-72. I would assume that means 1972. Q. (By Ms. O'Dell) Typically the year the hole is drilled is in the reference to that specific hole, correct? A. Typically it is, yes. Q. And so if you'll look to the right, you see the 2-R also appears to be '72.
11 12 13 14 15 16 17 18 19 20 21 22	in fact, appear to be from Argonaut, but all I've got and I'll show you this document, which is page 332. It notes "Argonaut." A. Is that in this stack? Q. Yes. Page 332. MR. PROST: Object to form. Q. (By Ms. O'Dell) It notes "Argonaut," correct, at the top of the page? A. "Location corrections Argonaut," it's a different date. I don't know if it correlates to the 1972 information in the front or not. Q. Okay. Let me take you back to page 2 of	11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. And so this appears to be a core that was drilled in 1972? MR. PROST: Object to form. A. It appears that the drill-hole number is 1-R-72. I would assume that means 1972. Q. (By Ms. O'Dell) Typically the year the hole is drilled is in the reference to that specific hole, correct? A. Typically it is, yes. Q. And so if you'll look to the right, you see the 2-R also appears to be '72. And Mr. Downey, what minerals were found at

8 (Pages 284 to 287)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 10 of 68 PageID: 51701

Patrick Downey

	Page 288		Page 290
1	A. Cinder.	1	Q. And you have no reason to believe the
2	Q. At 154 feet to 167, what was found?	2	geologist who made these notes of their examination
3	A. It says "talc."	3	of the drill cores, that they made an error, do
4	Q. And then 167 to 176 feet, what was	4	you?
5	found?	5	A. I can't tell from this.
6	A. It says "cinder."	6	Q. You have no reason to doubt that this is
7	Q. And then we see another two feet of	7	an accurate evaluation of the cores, do you,
8	talc, correct, from 176 feet to 178?	8	Mr. Downey?
9	A. Yes.	9	MR. PROST: Object to form.
10	Q. And then, again, 178 to 181, there's	10	A. I can't tell, one way or another. These
11	more cinder?	11	are handwritten notes.
12	A. Yes.	12	Q. (By Ms. O'Dell) You haven't reviewed
13	Q. If you'll look at the third hole on the	13	the cores yourself?
14	left-hand lower left-hand portion of the	14	A. No.
15	document, at 119 to 119 feet to 123 feet, there	15	Q. You're not that's not something you
16		16	do in your activities as an employee of Imerys,
17	was talcos limestone; do you see that?	17	true?
	A. That's what it says.	18	
18	Q. And then from 123 feet to 127 feet, what was located? What was found?		A. True.
19		19	Q. Okay. 300 excuse me. At foot 326 to
20	A. It says "grading to serpentinite."	20	335, it denotes "serpentinite talc zone"; do you
21	Q. And then 127 feet to 139 feet was,	21	see that?
22	again, serpentinite, correct?	22	A. Yes.
23	A. That's what it says.	23	Q. I ask you to turn over one page, Bates
24	Q. If you'll turn over to the next page,	24	ending 329; do you see that?
25	Mr. Downey, I would direct your attention to the	25	A. Yes.
	Page 289		Page 291
1	lower-right portion of the page. You'll see the	1	Q. And at the top of the page, there's a
2	eighth hole, R72; do you see that?	2	reference to "12-R-73." My understanding of that
3	A. Yes.	3	notation is that's the 12th hole that was drilled
4	Q. And in this instance, the bearing was	4	in 1973; is that a fair interpretation?
5	north 85 west, and then it was this hole was	5	A. That seems fair, yes.
6	drilled at an angle of 45 degrees; do you see that?	6	Q. And then the lower portion of the page
7	A. Yes.	7	would be the 13th hole drilled in 1973?
8	Q. And then, if you'll look at 276 feet to	8	A. That seems fair.
9	280 feet, what was found?	9	Q. Are you aware of how many holes were
10			Q. The year arrane of her many hores were
11	A. I can't tell what that says. Something	10	drilled during the 1973 drilling program in
	A. I can't tell what that says. Something "talc."	10 11	
12			drilled during the 1973 drilling program in
	"talc."	11	drilled during the 1973 drilling program in Argonaut, or core logs, to be specific?
12	"talc." Q. Okay. It's some type of talc. And then	11 12	drilled during the 1973 drilling program in Argonaut, or core logs, to be specific? A. I don't recall how many were.
12 13	"talc." Q. Okay. It's some type of talc. And then if you look lower to 286 to 312 feet, there's	11 12 13	drilled during the 1973 drilling program in Argonaut, or core logs, to be specific? A. I don't recall how many were. Q. If you'll turn over just quickly to the
12 13 14	"talc." Q. Okay. It's some type of talc. And then if you look lower to 286 to 312 feet, there's serpentinite; would you agree me on that? Blocky	11 12 13 14	drilled during the 1973 drilling program in Argonaut, or core logs, to be specific? A. I don't recall how many were. Q. If you'll turn over just quickly to the next page, you'll see the 14th hole that was
12 13 14 15	"talc." Q. Okay. It's some type of talc. And then if you look lower to 286 to 312 feet, there's serpentinite; would you agree me on that? Blocky serpentinite?	11 12 13 14 15	drilled during the 1973 drilling program in Argonaut, or core logs, to be specific? A. I don't recall how many were. Q. If you'll turn over just quickly to the next page, you'll see the 14th hole that was drilled, 1973. It was 70 degrees to the west.
12 13 14 15 16	"talc." Q. Okay. It's some type of talc. And then if you look lower to 286 to 312 feet, there's serpentinite; would you agree me on that? Blocky serpentinite? A. At which interval?	11 12 13 14 15	drilled during the 1973 drilling program in Argonaut, or core logs, to be specific? A. I don't recall how many were. Q. If you'll turn over just quickly to the next page, you'll see the 14th hole that was drilled, 1973. It was 70 degrees to the west. It appears that this hole was drilled to
12 13 14 15 16 17	"talc." Q. Okay. It's some type of talc. And then if you look lower to 286 to 312 feet, there's serpentinite; would you agree me on that? Blocky serpentinite? A. At which interval? Q. 286 feet to 312 feet?	11 12 13 14 15 16	drilled during the 1973 drilling program in Argonaut, or core logs, to be specific? A. I don't recall how many were. Q. If you'll turn over just quickly to the next page, you'll see the 14th hole that was drilled, 1973. It was 70 degrees to the west. It appears that this hole was drilled to 400 a depth of 457 feet, correct?
12 13 14 15 16 17 18	"talc." Q. Okay. It's some type of talc. And then if you look lower to 286 to 312 feet, there's serpentinite; would you agree me on that? Blocky serpentinite? A. At which interval? Q. 286 feet to 312 feet? A. Is it says "serp." It's abbreviated,	11 12 13 14 15 16 17	drilled during the 1973 drilling program in Argonaut, or core logs, to be specific? A. I don't recall how many were. Q. If you'll turn over just quickly to the next page, you'll see the 14th hole that was drilled, 1973. It was 70 degrees to the west. It appears that this hole was drilled to 400 a depth of 457 feet, correct? A. That's what it seems to say.
12 13 14 15 16 17 18	"talc." Q. Okay. It's some type of talc. And then if you look lower to 286 to 312 feet, there's serpentinite; would you agree me on that? Blocky serpentinite? A. At which interval? Q. 286 feet to 312 feet? A. Is it says "serp." It's abbreviated, and it says "blocky."	11 12 13 14 15 16 17 18	drilled during the 1973 drilling program in Argonaut, or core logs, to be specific? A. I don't recall how many were. Q. If you'll turn over just quickly to the next page, you'll see the 14th hole that was drilled, 1973. It was 70 degrees to the west. It appears that this hole was drilled to 400 a depth of 457 feet, correct? A. That's what it seems to say. Q. And it says, "medium to high grade."
12 13 14 15 16 17 18 19 20	"talc." Q. Okay. It's some type of talc. And then if you look lower to 286 to 312 feet, there's serpentinite; would you agree me on that? Blocky serpentinite? A. At which interval? Q. 286 feet to 312 feet? A. Is it says "serp." It's abbreviated, and it says "blocky." Q. Serpentinite is abbreviated as "serp,"	11 12 13 14 15 16 17 18 19 20	drilled during the 1973 drilling program in Argonaut, or core logs, to be specific? A. I don't recall how many were. Q. If you'll turn over just quickly to the next page, you'll see the 14th hole that was drilled, 1973. It was 70 degrees to the west. It appears that this hole was drilled to 400 a depth of 457 feet, correct? A. That's what it seems to say. Q. And it says, "medium to high grade." And would you agree with me that likely
12 13 14 15 16 17 18 19 20 21	"talc." Q. Okay. It's some type of talc. And then if you look lower to 286 to 312 feet, there's serpentinite; would you agree me on that? Blocky serpentinite? A. At which interval? Q. 286 feet to 312 feet? A. Is it says "serp." It's abbreviated, and it says "blocky." Q. Serpentinite is abbreviated as "serp," correct? A. That's what it appears.	11 12 13 14 15 16 17 18 19 20 21	drilled during the 1973 drilling program in Argonaut, or core logs, to be specific? A. I don't recall how many were. Q. If you'll turn over just quickly to the next page, you'll see the 14th hole that was drilled, 1973. It was 70 degrees to the west. It appears that this hole was drilled to 400 a depth of 457 feet, correct? A. That's what it seems to say. Q. And it says, "medium to high grade." And would you agree with me that likely refers to talc? A. Likely, yes.
12 13 14 15 16 17 18 19 20 21 22	"talc." Q. Okay. It's some type of talc. And then if you look lower to 286 to 312 feet, there's serpentinite; would you agree me on that? Blocky serpentinite? A. At which interval? Q. 286 feet to 312 feet? A. Is it says "serp." It's abbreviated, and it says "blocky." Q. Serpentinite is abbreviated as "serp," correct?	11 12 13 14 15 16 17 18 19 20 21 22	drilled during the 1973 drilling program in Argonaut, or core logs, to be specific? A. I don't recall how many were. Q. If you'll turn over just quickly to the next page, you'll see the 14th hole that was drilled, 1973. It was 70 degrees to the west. It appears that this hole was drilled to 400 a depth of 457 feet, correct? A. That's what it seems to say. Q. And it says, "medium to high grade." And would you agree with me that likely refers to talc?

9 (Pages 288 to 291)

P	age 292	Page 294
1 schist, correct?	1	drilling, true?
2 A. Yes.	2	A. That seems fair, yes.
3 Q. And then there was another po	ortion of 3	Q. I'm going to ask you to turn, in the
4 talc from 299 to 315 feet, and that was		same document, to page Bates ending 351. Page 351,
5 plus some talc?	5	okay? Do you see that?
6 A. That's what it says.	6	This is the core log that was made in
7 Q. And then from 315 feet to 340) feet. 7	relation to hole number 5-R-72; do you see that?
8 there was a zone of very high-grade ta	·	MR. PROST: Object to form.
9 A. That seems likely.	9	A. That seems fair.
10 Q. And this depiction is consisten		MS. O'DELL: What was the objection, Mark?
what we read yesterday, that often wh		MR. PROST: This is a 1972 or '3 document.
12 very high-grade talc, it is contiguous v	•	I don't think he knows who generated it. He's not
of chlorite or, in some cases, as wel		certain what mine necessarily it's from based on
14 chlorite. Let me stop there.	14	this one page. It's foundation, basically.
15 MR. PROST: Object to form.	15	Q. (By Ms. O'Dell) All right. This is
16 A. Can you repeat your question		hole 5-R-72, correct?
17 Q. (By Ms. O'Dell) Yeah. I'm so		A. That's what it says on the header.
18 didn't ask a very good one.	18	Q. Okay. Keep going. And for the moment,
19 This depiction is consistent with v	I	I'm going to ask you to assume this is from
20 read yesterday, that often where you f		Argonaut. And I'll show it to you on the map in
21 high-grade talc changed my questio	*	just a minute. I want to take care of the
22 more clear it is right next to zones of		objection.
23 chlorite.	23	So this is hole 5-R-72. This was started on
24 MR. PROST: Object to form.	24	July 9th, 1973; do you see that?
25 Q. (By Ms. O'Dell) True?	25	A. Yes.
P	age 293	Page 295
1 A. There may have been a report	that we	Q. And if you'll look at it says "From"
2 looked at yesterday. We can refer bac		and "To." That's feet, correct?
3 necessary.	3	A. Generally that's what it is.
4 Q. But another just very quick qu		Q. And so from 8 feet to 210 feet, you see
5 This is a map that's contained in this d		a description of the geology in the right-most
6 Turn it right there. It's on page 333, it		column; do you see that? It says, "Dark blue-gray
7 like to turn to it.	7	serpentinite with accessory magnetite plus
8 Just so I can the jury understand		
9 is a map that depicts where certain dri		
is a man man denicis where certain un		carbonate vein outer margin or foot wall side
	ll holes or 9	carbonate vein outer margin or foot wall side contains shear cones with asbestiform minerals";
10 cores were taken; does it not? For exa	ll holes or 9 ample, if 10	carbonate vein outer margin or foot wall side contains shear cones with asbestiform minerals"; did I read that correctly?
10 cores were taken; does it not? For exact you'll look in the middle of the page, l	ll holes or 9 ample, if 10 I've 11	carbonate vein outer margin or foot wall side contains shear cones with asbestiform minerals"; did I read that correctly? MR. PROST: Objection.
10 cores were taken; does it not? For exa 11 you'll look in the middle of the page, l 12 highlighted one, and it appears to be f	ll holes or 9 ample, if 10 I've 11	carbonate vein outer margin or foot wall side contains shear cones with asbestiform minerals"; did I read that correctly?
cores were taken; does it not? For example 11 you'll look in the middle of the page, I highlighted one, and it appears to be for taken during 1972; do you see that?	Il holes or 9 ample, if 10 I've 11 from a core 12	carbonate vein outer margin or foot wall side contains shear cones with asbestiform minerals"; did I read that correctly? MR. PROST: Objection. A. Some of the handwriting could be better.
cores were taken; does it not? For exa you'll look in the middle of the page, l highlighted one, and it appears to be f taken during 1972; do you see that?	Il holes or 9 ample, if 10 I've 11 from a core 12	carbonate vein outer margin or foot wall side contains shear cones with asbestiform minerals"; did I read that correctly? MR. PROST: Objection. A. Some of the handwriting could be better. I don't know if it's "ore" or "on." "Cones"
cores were taken; does it not? For example 11 you'll look in the middle of the page, look highlighted one, and it appears to be for taken during 1972; do you see that? A. Can you blow it up, expand it	Il holes or 9 mmple, if 10 I've 11 from a core 12 13 ? Okay. 14	carbonate vein outer margin or foot wall side contains shear cones with asbestiform minerals"; did I read that correctly? MR. PROST: Objection. A. Some of the handwriting could be better. I don't know if it's "ore" or "on." "Cones" doesn't make sense to me.
cores were taken; does it not? For example 11 you'll look in the middle of the page, look highlighted one, and it appears to be for taken during 1972; do you see that? A. Can you blow it up, expand it Q. 1972.	Il holes or 9 mmple, if 10 I've 11 from a core 12 13 P. Okay. 14 15 16	carbonate vein outer margin or foot wall side contains shear cones with asbestiform minerals"; did I read that correctly? MR. PROST: Objection. A. Some of the handwriting could be better. I don't know if it's "ore" or "on." "Cones" doesn't make sense to me. Q. (By Ms. O'Dell) Okay. But it's clear
cores were taken; does it not? For exact you'll look in the middle of the page, leading to highlighted one, and it appears to be for taken during 1972; do you see that? A. Can you blow it up, expand it Q. 1972. A. Yes.	Il holes or 9 ample, if 10 I've 11 from a core 12 13 ? Okay. 14 15 16 is is a 17	carbonate vein outer margin or foot wall side contains shear cones with asbestiform minerals"; did I read that correctly? MR. PROST: Objection. A. Some of the handwriting could be better. I don't know if it's "ore" or "on." "Cones" doesn't make sense to me. Q. (By Ms. O'Dell) Okay. But it's clear that it says that geologist identified
cores were taken; does it not? For example 11 you'll look in the middle of the page, I highlighted one, and it appears to be for taken during 1972; do you see that? A. Can you blow it up, expand it Q. 1972. A. Yes. Q. And what I'm asking is that the	Il holes or 9 ample, if 10 I've 11 from a core 12 2 Okay. 14 15 16 is is a 17 the drill 18	carbonate vein outer margin or foot wall side contains shear cones with asbestiform minerals"; did I read that correctly? MR. PROST: Objection. A. Some of the handwriting could be better. I don't know if it's "ore" or "on." "Cones" doesn't make sense to me. Q. (By Ms. O'Dell) Okay. But it's clear that it says that geologist identified asbestiform minerals, correct?
cores were taken; does it not? For example 11 you'll look in the middle of the page, I highlighted one, and it appears to be for taken during 1972; do you see that? A. Can you blow it up, expand it Q. 1972. A. Yes. Q. And what I'm asking is that the map that basically plots out the cores,	Il holes or 9 ample, if 10 11 trom a core 12 13 14 15 16 is is a 17 the drill 18 ars to be 19	carbonate vein outer margin or foot wall side contains shear cones with asbestiform minerals"; did I read that correctly? MR. PROST: Objection. A. Some of the handwriting could be better. I don't know if it's "ore" or "on." "Cones" doesn't make sense to me. Q. (By Ms. O'Dell) Okay. But it's clear that it says that geologist identified asbestiform minerals, correct? MR. PROST: Object to form.
cores were taken; does it not? For example you'll look in the middle of the page, I highlighted one, and it appears to be for taken during 1972; do you see that? A. Can you blow it up, expand it Q. 1972. A. Yes. Q. And what I'm asking is that the map that basically plots out the cores, cores, that were taken in 1972 appears.	Il holes or 9 ample, if 10 11 rom a core 12 13 14 15 16 is is a 17 the drill 18 ars to be 19	carbonate vein outer margin or foot wall side contains shear cones with asbestiform minerals"; did I read that correctly? MR. PROST: Objection. A. Some of the handwriting could be better. I don't know if it's "ore" or "on." "Cones" doesn't make sense to me. Q. (By Ms. O'Dell) Okay. But it's clear that it says that geologist identified asbestiform minerals, correct? MR. PROST: Object to form. A. That's what it says.
cores were taken; does it not? For example 11 you'll look in the middle of the page, I highlighted one, and it appears to be for taken during 1972; do you see that? A. Can you blow it up, expand it Q. 1972. A. Yes. Q. And what I'm asking is that the map that basically plots out the cores, cores, that were taken in 1972 appears just 1972 and then some of 1973, containing the cores. MR. PROST: Object to form.	Il holes or 9 mmple, if 10 I've 11 from a core 12 13 ? Okay. 14 15 16 is is a 17 the drill 18 ars to be 19 orrect? 20 21	carbonate vein outer margin or foot wall side contains shear cones with asbestiform minerals"; did I read that correctly? MR. PROST: Objection. A. Some of the handwriting could be better. I don't know if it's "ore" or "on." "Cones" doesn't make sense to me. Q. (By Ms. O'Dell) Okay. But it's clear that it says that geologist identified asbestiform minerals, correct? MR. PROST: Object to form. A. That's what it says. Q. (By Ms. O'Dell) Then, I'm turning back
cores were taken; does it not? For example 11 you'll look in the middle of the page, I highlighted one, and it appears to be for taken during 1972; do you see that? A. Can you blow it up, expand it Q. 1972. A. Yes. Q. And what I'm asking is that the map that basically plots out the cores, cores, that were taken in 1972 appears just 1972 and then some of 1973, conductive 1972 and 1973.	Il holes or 9 ample, if 10 I've 11 from a core 12 13 ? Okay. 14 15 16 is is a 17 the drill 18 ars to be 19 orrect? 20 21 help here. 22	carbonate vein outer margin or foot wall side contains shear cones with asbestiform minerals"; did I read that correctly? MR. PROST: Objection. A. Some of the handwriting could be better. I don't know if it's "ore" or "on." "Cones" doesn't make sense to me. Q. (By Ms. O'Dell) Okay. But it's clear that it says that geologist identified asbestiform minerals, correct? MR. PROST: Object to form. A. That's what it says. Q. (By Ms. O'Dell) Then, I'm turning back page 333, the map we looked at previously in the
cores were taken; does it not? For exa you'll look in the middle of the page, I highlighted one, and it appears to be f taken during 1972; do you see that? A. Can you blow it up, expand it Q. 1972. A. Yes. Q. And what I'm asking is that th map that basically plots out the cores, cores, that were taken in 1972 appe just 1972 and then some of 1973, co MR. PROST: Object to form. Q. (By Ms. O'Dell) Maybe I can	Il holes or ample, if 10 11 12 12 13 13 14 15 16 16 17 17 18 18 18 19 19 19 19 19 19 19 19 19 19 19 19 19	carbonate vein outer margin or foot wall side contains shear cones with asbestiform minerals"; did I read that correctly? MR. PROST: Objection. A. Some of the handwriting could be better. I don't know if it's "ore" or "on." "Cones" doesn't make sense to me. Q. (By Ms. O'Dell) Okay. But it's clear that it says that geologist identified asbestiform minerals, correct? MR. PROST: Object to form. A. That's what it says. Q. (By Ms. O'Dell) Then, I'm turning back page 333, the map we looked at previously in the exhibit, and this is a map, just so this

10 (Pages 292 to 295)

	Page 296		Page 298
1	A. That's what it says.	1	Mr. Downey
2	Q. (By Ms. O'Dell) I didn't hear you, sir.	2	MR. PROST: Objection. Please ask a
3	A. That's what it says.	3	question.
4	Q. Yes. Then you see notation for hole	4	Q. (By Ms. O'Dell) and so, I mean
5	5-R-73; do you see that?	5	and part of the topics that you've been put forward
6	A. I can't tell if that's a 3 or a 5.	6	for is core logs. It's very clear. It's front and
7	Q. Okay. This is 3 this is 3 here, and	7	center.
8	wouldn't it be oops, sorry. Wouldn't it be fair	8	MR. PROST: Do you have a question?
9	to say that that's 5? There's another 3 hole 3	9	MS. O'DELL: I do have a question.
10	for 1973 on the map, that we can assume that that	10	Q. (By Ms. O'Dell) And so I'm asking, do
11	is the fifth hole, 5-R-73. It's a fair assumption,	11	you dispute that the core log that we just looked
12	isn't it, there?	12	at is a log that was taken from a core removed from
13	A. You were zooming around there and I	13	the Argonaut Mine? Are you disputing that?
14	can't see where you're saying that was.	14	MR. PROST: Object to foundation.
15	Q. All right. Are you challenging,	15	Q. (By Ms. O'Dell) Yes or no?
16	Mr. Downey, that the core log I have just walked	16	A. No.
17		17	Q. Okay. That's all I wanted to
18	you through, 5-R-72, originates from a mine other	18	
	than Argonaut? Is that your testimony?	19	Let me ask you to turn to 363. And this is from hole 8-R-72; do you see that?
19 20	MR. PROST: Object to form.	20	A. Yes.
	A. I can't tell the one that you pointed	21	Q. We see from foot 40 to 41 you have noted
21	to that you indicated was hole number 5, I can't		-
22	tell if that's what it says. That's all I'm	22 23	"biotite, chlorite, talc, schist"; do you see that?
23	saying.		A. Yes.
24	Q. (By Ms. O'Dell) This is a map that was	24	Q. And then below, from foot 89 to 102, you
25	created in relation I'll turn it around this	25	see "proportions of chlorite dogtooth spar,
	Page 297		Page 299
1	way, it makes it more clear in relation to	1	crystals in fracture at 95 feet"; do you see that?
2	5-R-72; do you see that? Do you see that?	2	A. At 89 to 102?
3	A. What page are we on?	3	Q. It's in that section, and it's in the
4	Q. The next page. The page in front of	4	description on the right-hand side of the page; do
5	you.	5	
6		9	you see that, sir? I've highlighted it on the
	MR. PROST: What's the page number?	6	
7	MR. PROST: What's the page number? THE WITNESS: 352.		you see that, sir? I've highlighted it on the
7 8		6	you see that, sir? I've highlighted it on the screen.
	THE WITNESS: 352.	6 7	you see that, sir? I've highlighted it on the screen. A. That's what it says.
8	THE WITNESS: 352. MR. PROST: Thanks.	6 7 8	you see that, sir? I've highlighted it on the screen. A. That's what it says. Q. And that occurred at 95 feet?
8 9	THE WITNESS: 352. MR. PROST: Thanks. Q. (By Ms. O'Dell) See that 5-R-72?	6 7 8 9	you see that, sir? I've highlighted it on the screen. A. That's what it says. Q. And that occurred at 95 feet? A. I'm not seeing it on the "From," "To." Where's the 95? I'm sorry. I'm Q. "Fractures at 95 feet," correct?
8 9 10	THE WITNESS: 352. MR. PROST: Thanks. Q. (By Ms. O'Dell) See that 5-R-72? A. Yes.	6 7 8 9 10	you see that, sir? I've highlighted it on the screen. A. That's what it says. Q. And that occurred at 95 feet? A. I'm not seeing it on the "From," "To." Where's the 95? I'm sorry. I'm Q. "Fractures at 95 feet," correct? A. Oh, okay. Yes. I was looking for it on
8 9 10 11	THE WITNESS: 352. MR. PROST: Thanks. Q. (By Ms. O'Dell) See that 5-R-72? A. Yes. Q. And that's the we've been looking at	6 7 8 9 10 11	you see that, sir? I've highlighted it on the screen. A. That's what it says. Q. And that occurred at 95 feet? A. I'm not seeing it on the "From," "To." Where's the 95? I'm sorry. I'm Q. "Fractures at 95 feet," correct?
8 9 10 11 12	THE WITNESS: 352. MR. PROST: Thanks. Q. (By Ms. O'Dell) See that 5-R-72? A. Yes. Q. And that's the we've been looking at and examining the cores from that hole that was	6 7 8 9 10 11	you see that, sir? I've highlighted it on the screen. A. That's what it says. Q. And that occurred at 95 feet? A. I'm not seeing it on the "From," "To." Where's the 95? I'm sorry. I'm Q. "Fractures at 95 feet," correct? A. Oh, okay. Yes. I was looking for it on
8 9 10 11 12 13	THE WITNESS: 352. MR. PROST: Thanks. Q. (By Ms. O'Dell) See that 5-R-72? A. Yes. Q. And that's the we've been looking at and examining the cores from that hole that was drilled, correct? Yes?	6 7 8 9 10 11 12	you see that, sir? I've highlighted it on the screen. A. That's what it says. Q. And that occurred at 95 feet? A. I'm not seeing it on the "From," "To." Where's the 95? I'm sorry. I'm Q. "Fractures at 95 feet," correct? A. Oh, okay. Yes. I was looking for it on the "From," "To." Sorry. MS. O'DELL: We've been going about an hour. Let's take a quick break.
8 9 10 11 12 13 14	THE WITNESS: 352. MR. PROST: Thanks. Q. (By Ms. O'Dell) See that 5-R-72? A. Yes. Q. And that's the we've been looking at and examining the cores from that hole that was drilled, correct? Yes? A. In the previous page?	6 7 8 9 10 11 12 13	you see that, sir? I've highlighted it on the screen. A. That's what it says. Q. And that occurred at 95 feet? A. I'm not seeing it on the "From," "To." Where's the 95? I'm sorry. I'm Q. "Fractures at 95 feet," correct? A. Oh, okay. Yes. I was looking for it on the "From," "To." Sorry. MS. O'DELL: We've been going about an hour.
8 9 10 11 12 13 14 15	THE WITNESS: 352. MR. PROST: Thanks. Q. (By Ms. O'Dell) See that 5-R-72? A. Yes. Q. And that's the we've been looking at and examining the cores from that hole that was drilled, correct? Yes? A. In the previous page? Q. Yes.	6 7 8 9 10 11 12 13 14	you see that, sir? I've highlighted it on the screen. A. That's what it says. Q. And that occurred at 95 feet? A. I'm not seeing it on the "From," "To." Where's the 95? I'm sorry. I'm Q. "Fractures at 95 feet," correct? A. Oh, okay. Yes. I was looking for it on the "From," "To." Sorry. MS. O'DELL: We've been going about an hour. Let's take a quick break.
8 9 10 11 12 13 14 15	THE WITNESS: 352. MR. PROST: Thanks. Q. (By Ms. O'Dell) See that 5-R-72? A. Yes. Q. And that's the we've been looking at and examining the cores from that hole that was drilled, correct? Yes? A. In the previous page? Q. Yes. A. And this picture, Mr. Downey, and where	6 7 8 9 10 11 12 13 14 15	you see that, sir? I've highlighted it on the screen. A. That's what it says. Q. And that occurred at 95 feet? A. I'm not seeing it on the "From," "To." Where's the 95? I'm sorry. I'm Q. "Fractures at 95 feet," correct? A. Oh, okay. Yes. I was looking for it on the "From," "To." Sorry. MS. O'DELL: We've been going about an hour. Let's take a quick break. MR. PROST: Okay.
8 9 10 11 12 13 14 15 16 17	THE WITNESS: 352. MR. PROST: Thanks. Q. (By Ms. O'Dell) See that 5-R-72? A. Yes. Q. And that's the we've been looking at and examining the cores from that hole that was drilled, correct? Yes? A. In the previous page? Q. Yes. A. And this picture, Mr. Downey, and where that hole takes place, is consistent with what we	6 7 8 9 10 11 12 13 14 15 16	you see that, sir? I've highlighted it on the screen. A. That's what it says. Q. And that occurred at 95 feet? A. I'm not seeing it on the "From," "To." Where's the 95? I'm sorry. I'm Q. "Fractures at 95 feet," correct? A. Oh, okay. Yes. I was looking for it on the "From," "To." Sorry. MS. O'DELL: We've been going about an hour. Let's take a quick break. MR. PROST: Okay. VIDEOGRAPHER: Off the record at 10:03.
8 9 10 11 12 13 14 15 16 17	THE WITNESS: 352. MR. PROST: Thanks. Q. (By Ms. O'Dell) See that 5-R-72? A. Yes. Q. And that's the we've been looking at and examining the cores from that hole that was drilled, correct? Yes? A. In the previous page? Q. Yes. A. And this picture, Mr. Downey, and where that hole takes place, is consistent with what we were looking at before and identifying as 5-R-72,	6 7 8 9 10 11 12 13 14 15 16 17	you see that, sir? I've highlighted it on the screen. A. That's what it says. Q. And that occurred at 95 feet? A. I'm not seeing it on the "From," "To." Where's the 95? I'm sorry. I'm Q. "Fractures at 95 feet," correct? A. Oh, okay. Yes. I was looking for it on the "From," "To." Sorry. MS. O'DELL: We've been going about an hour. Let's take a quick break. MR. PROST: Okay. VIDEOGRAPHER: Off the record at 10:03. (Recess taken.)
8 9 10 11 12 13 14 15 16 17 18	THE WITNESS: 352. MR. PROST: Thanks. Q. (By Ms. O'Dell) See that 5-R-72? A. Yes. Q. And that's the we've been looking at and examining the cores from that hole that was drilled, correct? Yes? A. In the previous page? Q. Yes. A. And this picture, Mr. Downey, and where that hole takes place, is consistent with what we were looking at before and identifying as 5-R-72, correct?	6 7 8 9 10 11 12 13 14 15 16 17 18	you see that, sir? I've highlighted it on the screen. A. That's what it says. Q. And that occurred at 95 feet? A. I'm not seeing it on the "From," "To." Where's the 95? I'm sorry. I'm Q. "Fractures at 95 feet," correct? A. Oh, okay. Yes. I was looking for it on the "From," "To." Sorry. MS. O'DELL: We've been going about an hour. Let's take a quick break. MR. PROST: Okay. VIDEOGRAPHER: Off the record at 10:03. (Recess taken.) VIDEOGRAPHER: We are back on the record at
8 9 10 11 12 13 14 15 16 17 18 19 20	THE WITNESS: 352. MR. PROST: Thanks. Q. (By Ms. O'Dell) See that 5-R-72? A. Yes. Q. And that's the we've been looking at and examining the cores from that hole that was drilled, correct? Yes? A. In the previous page? Q. Yes. A. And this picture, Mr. Downey, and where that hole takes place, is consistent with what we were looking at before and identifying as 5-R-72, correct? MR. PROST: Object to form.	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	you see that, sir? I've highlighted it on the screen. A. That's what it says. Q. And that occurred at 95 feet? A. I'm not seeing it on the "From," "To." Where's the 95? I'm sorry. I'm Q. "Fractures at 95 feet," correct? A. Oh, okay. Yes. I was looking for it on the "From," "To." Sorry. MS. O'DELL: We've been going about an hour. Let's take a quick break. MR. PROST: Okay. VIDEOGRAPHER: Off the record at 10:03. (Recess taken.) VIDEOGRAPHER: We are back on the record at 10:46.
8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE WITNESS: 352. MR. PROST: Thanks. Q. (By Ms. O'Dell) See that 5-R-72? A. Yes. Q. And that's the we've been looking at and examining the cores from that hole that was drilled, correct? Yes? A. In the previous page? Q. Yes. A. And this picture, Mr. Downey, and where that hole takes place, is consistent with what we were looking at before and identifying as 5-R-72, correct? MR. PROST: Object to form. A. I don't know what you mean by "it's	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	you see that, sir? I've highlighted it on the screen. A. That's what it says. Q. And that occurred at 95 feet? A. I'm not seeing it on the "From," "To." Where's the 95? I'm sorry. I'm Q. "Fractures at 95 feet," correct? A. Oh, okay. Yes. I was looking for it on the "From," "To." Sorry. MS. O'DELL: We've been going about an hour. Let's take a quick break. MR. PROST: Okay. VIDEOGRAPHER: Off the record at 10:03. (Recess taken.) VIDEOGRAPHER: We are back on the record at 10:46. Q. (By Ms. O'Dell) Mr. Downey, we were
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: 352. MR. PROST: Thanks. Q. (By Ms. O'Dell) See that 5-R-72? A. Yes. Q. And that's the we've been looking at and examining the cores from that hole that was drilled, correct? Yes? A. In the previous page? Q. Yes. A. And this picture, Mr. Downey, and where that hole takes place, is consistent with what we were looking at before and identifying as 5-R-72, correct? MR. PROST: Object to form. A. I don't know what you mean by "it's consistent with." I haven't had time to interpret	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	you see that, sir? I've highlighted it on the screen. A. That's what it says. Q. And that occurred at 95 feet? A. I'm not seeing it on the "From," "To." Where's the 95? I'm sorry. I'm Q. "Fractures at 95 feet," correct? A. Oh, okay. Yes. I was looking for it on the "From," "To." Sorry. MS. O'DELL: We've been going about an hour. Let's take a quick break. MR. PROST: Okay. VIDEOGRAPHER: Off the record at 10:03. (Recess taken.) VIDEOGRAPHER: We are back on the record at 10:46. Q. (By Ms. O'Dell) Mr. Downey, we were looking at some core logs prior to the break. And

11 (Pages 296 to 299)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 13 of 68 PageID: 51704

Patrick Downey

	Page 300		Page 302
1	here today. That's one of the clear topics that's	1	A. Did I review them with him?
2	listed in the outline.	2	Q. Yes.
3	How many core logs did you review in	3	A. No. He provided them, and I reviewed
4	preparation for your deposition?	4	them later.
5	A. I don't recall a specific number. I	5	Q. Did any of the core logs that you were
6	don't recall.	6	provided by Mr. Marek show asbestiform?
7	Q. Did you undertake to review all of the	7	MR. PROST: Object to form.
8	core logs from the mines in Vermont that were used	8	A. One of them well, it didn't use the
9	to supply tale to J&J?	9	word "asbestiform" by name, or use that word, the
10	A. The core logs that I did review were to	10	one that I'm thinking of, but it did indicate that
11	Argonaut.	11	fibers were found.
12	Q. So the answer to my question is "no"?	12	Q. (By Ms. O'Dell) What type of fibers?
13	A. The ones I reviewed were for Argonaut,	13	A. In the log, it didn't identify the
14	yes.	14	fibers.
15	Q. You did not review core logs for the	15	Q. Did you later learn what type of fibers
16	Hamm Mine, correct?	16	were located or identified.
17	A. Correct.	17	(Announcement over the intercom.)
18	MR. PROST: Object to form to form.	18	VIDEOGRAPHER: Off the record at 10:51.
19	Q. (By Ms. O'Dell) You did not review core	19	(Recess taken.)
20	logs for Rainbow, correct?	20	VIDEOGRAPHER: Back on the record at 11:10.
21	A. Correct.	21	Q. (By Ms. O'Dell) Mr. Downey, I was
22	Q. You did not review core logs for the	22	asking you some questions about core logs and your
23	Hammondsville Mine, correct?	23	knowledge about them before the fire drill,
24	A. Correct.	24	
25	Q. How long and your testimony was you	25	literally. Who would be in the best position at Imerys
23			
1	Page 301	1	Page 303
1	reviewed some core logs for the Argonaut Mine?	1	to answer questions about core logs from the
2	A. Yes.		37 0
_		2	Vermont mines?
3	Q. Did you review all of them?	3	MR. PROST: Object to form.
4	Q. Did you review all of them?A. I don't believe so.	3 4	MR. PROST: Object to form. A. What do you mean by "in the best
4 5	Q. Did you review all of them?A. I don't believe so.Q. How did you spend reviewing core logs in	3 4 5	MR. PROST: Object to form. A. What do you mean by "in the best position"?
4 5 6	Q. Did you review all of them?A. I don't believe so.Q. How did you spend reviewing core logs in your preparation?	3 4 5 6	MR. PROST: Object to form. A. What do you mean by "in the best position"? Q. (By Ms. O'Dell) Who would have
4 5 6 7	Q. Did you review all of them?A. I don't believe so.Q. How did you spend reviewing core logs in your preparation?A. Probably more than an hour, I think.	3 4 5 6 7	MR. PROST: Object to form. A. What do you mean by "in the best position"? Q. (By Ms. O'Dell) Who would have information and personal knowledge and be able to
4 5 6 7 8	 Q. Did you review all of them? A. I don't believe so. Q. How did you spend reviewing core logs in your preparation? A. Probably more than an hour, I think. There's a lot of information that I needed to 	3 4 5 6 7 8	MR. PROST: Object to form. A. What do you mean by "in the best position"? Q. (By Ms. O'Dell) Who would have information and personal knowledge and be able to testify regarding core logs from the Vermont mines?
4 5 6 7 8 9	 Q. Did you review all of them? A. I don't believe so. Q. How did you spend reviewing core logs in your preparation? A. Probably more than an hour, I think. There's a lot of information that I needed to prepare for, so I tried to sample as much as I 	3 4 5 6 7 8	MR. PROST: Object to form. A. What do you mean by "in the best position"? Q. (By Ms. O'Dell) Who would have information and personal knowledge and be able to testify regarding core logs from the Vermont mines? MR. SILVER: Objection.
4 5 6 7 8 9	 Q. Did you review all of them? A. I don't believe so. Q. How did you spend reviewing core logs in your preparation? A. Probably more than an hour, I think. There's a lot of information that I needed to prepare for, so I tried to sample as much as I could to be familiar with the information. 	3 4 5 6 7 8 9	MR. PROST: Object to form. A. What do you mean by "in the best position"? Q. (By Ms. O'Dell) Who would have information and personal knowledge and be able to testify regarding core logs from the Vermont mines? MR. SILVER: Objection. A. I've prepared, as best as I can, given
4 5 6 7 8 9 10	Q. Did you review all of them? A. I don't believe so. Q. How did you spend reviewing core logs in your preparation? A. Probably more than an hour, I think. There's a lot of information that I needed to prepare for, so I tried to sample as much as I could to be familiar with the information. Q. During that hour you spent reviewing	3 4 5 6 7 8 9 10	MR. PROST: Object to form. A. What do you mean by "in the best position"? Q. (By Ms. O'Dell) Who would have information and personal knowledge and be able to testify regarding core logs from the Vermont mines? MR. SILVER: Objection. A. I've prepared, as best as I can, given all of the topics that were in the notice for me to
4 5 6 7 8 9 10 11	Q. Did you review all of them? A. I don't believe so. Q. How did you spend reviewing core logs in your preparation? A. Probably more than an hour, I think. There's a lot of information that I needed to prepare for, so I tried to sample as much as I could to be familiar with the information. Q. During that hour you spent reviewing core logs, which core logs did you review? What	3 4 5 6 7 8 9 10 11	MR. PROST: Object to form. A. What do you mean by "in the best position"? Q. (By Ms. O'Dell) Who would have information and personal knowledge and be able to testify regarding core logs from the Vermont mines? MR. SILVER: Objection. A. I've prepared, as best as I can, given all of the topics that were in the notice for me to be able to discuss.
4 5 6 7 8 9 10 11 12 13	Q. Did you review all of them? A. I don't believe so. Q. How did you spend reviewing core logs in your preparation? A. Probably more than an hour, I think. There's a lot of information that I needed to prepare for, so I tried to sample as much as I could to be familiar with the information. Q. During that hour you spent reviewing core logs, which core logs did you review? What year did they arise from?	3 4 5 6 7 8 9 10 11 12	MR. PROST: Object to form. A. What do you mean by "in the best position"? Q. (By Ms. O'Dell) Who would have information and personal knowledge and be able to testify regarding core logs from the Vermont mines? MR. SILVER: Objection. A. I've prepared, as best as I can, given all of the topics that were in the notice for me to be able to discuss. Q. (By Ms. O'Dell) And can you provide a
4 5 6 7 8 9 10 11 12 13 14	Q. Did you review all of them? A. I don't believe so. Q. How did you spend reviewing core logs in your preparation? A. Probably more than an hour, I think. There's a lot of information that I needed to prepare for, so I tried to sample as much as I could to be familiar with the information. Q. During that hour you spent reviewing core logs, which core logs did you review? What year did they arise from? A. I tried to sample a variety. I don't	3 4 5 6 7 8 9 10 11 12 13 14	MR. PROST: Object to form. A. What do you mean by "in the best position"? Q. (By Ms. O'Dell) Who would have information and personal knowledge and be able to testify regarding core logs from the Vermont mines? MR. SILVER: Objection. A. I've prepared, as best as I can, given all of the topics that were in the notice for me to be able to discuss. Q. (By Ms. O'Dell) And can you provide a name of another employee at Imerys who would have
4 5 6 7 8 9 10 11 12 13 14 15	Q. Did you review all of them? A. I don't believe so. Q. How did you spend reviewing core logs in your preparation? A. Probably more than an hour, I think. There's a lot of information that I needed to prepare for, so I tried to sample as much as I could to be familiar with the information. Q. During that hour you spent reviewing core logs, which core logs did you review? What year did they arise from? A. I tried to sample a variety. I don't recall the specific years.	3 4 5 6 7 8 9 10 11 12 13 14 15	MR. PROST: Object to form. A. What do you mean by "in the best position"? Q. (By Ms. O'Dell) Who would have information and personal knowledge and be able to testify regarding core logs from the Vermont mines? MR. SILVER: Objection. A. I've prepared, as best as I can, given all of the topics that were in the notice for me to be able to discuss. Q. (By Ms. O'Dell) And can you provide a name of another employee at Imerys who would have personal knowledge and information regarding the
4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Did you review all of them? A. I don't believe so. Q. How did you spend reviewing core logs in your preparation? A. Probably more than an hour, I think. There's a lot of information that I needed to prepare for, so I tried to sample as much as I could to be familiar with the information. Q. During that hour you spent reviewing core logs, which core logs did you review? What year did they arise from? A. I tried to sample a variety. I don't recall the specific years. Q. Did any of the core logs well, let me	3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR. PROST: Object to form. A. What do you mean by "in the best position"? Q. (By Ms. O'Dell) Who would have information and personal knowledge and be able to testify regarding core logs from the Vermont mines? MR. SILVER: Objection. A. I've prepared, as best as I can, given all of the topics that were in the notice for me to be able to discuss. Q. (By Ms. O'Dell) And can you provide a name of another employee at Imerys who would have personal knowledge and information regarding the core logs from the mines in Vermont?
4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Did you review all of them? A. I don't believe so. Q. How did you spend reviewing core logs in your preparation? A. Probably more than an hour, I think. There's a lot of information that I needed to prepare for, so I tried to sample as much as I could to be familiar with the information. Q. During that hour you spent reviewing core logs, which core logs did you review? What year did they arise from? A. I tried to sample a variety. I don't recall the specific years. Q. Did any of the core logs well, let me say, were the core logs selected for you by	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR. PROST: Object to form. A. What do you mean by "in the best position"? Q. (By Ms. O'Dell) Who would have information and personal knowledge and be able to testify regarding core logs from the Vermont mines? MR. SILVER: Objection. A. I've prepared, as best as I can, given all of the topics that were in the notice for me to be able to discuss. Q. (By Ms. O'Dell) And can you provide a name of another employee at Imerys who would have personal knowledge and information regarding the core logs from the mines in Vermont? MR. PROST: Object to form. You mean
4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Did you review all of them? A. I don't believe so. Q. How did you spend reviewing core logs in your preparation? A. Probably more than an hour, I think. There's a lot of information that I needed to prepare for, so I tried to sample as much as I could to be familiar with the information. Q. During that hour you spent reviewing core logs, which core logs did you review? What year did they arise from? A. I tried to sample a variety. I don't recall the specific years. Q. Did any of the core logs well, let me say, were the core logs selected for you by counsel?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR. PROST: Object to form. A. What do you mean by "in the best position"? Q. (By Ms. O'Dell) Who would have information and personal knowledge and be able to testify regarding core logs from the Vermont mines? MR. SILVER: Objection. A. I've prepared, as best as I can, given all of the topics that were in the notice for me to be able to discuss. Q. (By Ms. O'Dell) And can you provide a name of another employee at Imerys who would have personal knowledge and information regarding the core logs from the mines in Vermont? MR. PROST: Object to form. You mean besides names he's given you already?
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. Did you review all of them? A. I don't believe so. Q. How did you spend reviewing core logs in your preparation? A. Probably more than an hour, I think. There's a lot of information that I needed to prepare for, so I tried to sample as much as I could to be familiar with the information. Q. During that hour you spent reviewing core logs, which core logs did you review? What year did they arise from? A. I tried to sample a variety. I don't recall the specific years. Q. Did any of the core logs well, let me say, were the core logs selected for you by counsel? A. No.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. PROST: Object to form. A. What do you mean by "in the best position"? Q. (By Ms. O'Dell) Who would have information and personal knowledge and be able to testify regarding core logs from the Vermont mines? MR. SILVER: Objection. A. I've prepared, as best as I can, given all of the topics that were in the notice for me to be able to discuss. Q. (By Ms. O'Dell) And can you provide a name of another employee at Imerys who would have personal knowledge and information regarding the core logs from the mines in Vermont? MR. PROST: Object to form. You mean besides names he's given you already? MS. O'DELL: He hasn't given me, you know,
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Did you review all of them? A. I don't believe so. Q. How did you spend reviewing core logs in your preparation? A. Probably more than an hour, I think. There's a lot of information that I needed to prepare for, so I tried to sample as much as I could to be familiar with the information. Q. During that hour you spent reviewing core logs, which core logs did you review? What year did they arise from? A. I tried to sample a variety. I don't recall the specific years. Q. Did any of the core logs well, let me say, were the core logs selected for you by counsel? A. No. Q. They were provided to you by counsel,	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. PROST: Object to form. A. What do you mean by "in the best position"? Q. (By Ms. O'Dell) Who would have information and personal knowledge and be able to testify regarding core logs from the Vermont mines? MR. SILVER: Objection. A. I've prepared, as best as I can, given all of the topics that were in the notice for me to be able to discuss. Q. (By Ms. O'Dell) And can you provide a name of another employee at Imerys who would have personal knowledge and information regarding the core logs from the mines in Vermont? MR. PROST: Object to form. You mean besides names he's given you already? MS. O'DELL: He hasn't given me, you know, any names in relation to my questions. I'm just
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Did you review all of them? A. I don't believe so. Q. How did you spend reviewing core logs in your preparation? A. Probably more than an hour, I think. There's a lot of information that I needed to prepare for, so I tried to sample as much as I could to be familiar with the information. Q. During that hour you spent reviewing core logs, which core logs did you review? What year did they arise from? A. I tried to sample a variety. I don't recall the specific years. Q. Did any of the core logs well, let me say, were the core logs selected for you by counsel? A. No. Q. They were provided to you by counsel, correct?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. PROST: Object to form. A. What do you mean by "in the best position"? Q. (By Ms. O'Dell) Who would have information and personal knowledge and be able to testify regarding core logs from the Vermont mines? MR. SILVER: Objection. A. I've prepared, as best as I can, given all of the topics that were in the notice for me to be able to discuss. Q. (By Ms. O'Dell) And can you provide a name of another employee at Imerys who would have personal knowledge and information regarding the core logs from the mines in Vermont? MR. PROST: Object to form. You mean besides names he's given you already? MS. O'DELL: He hasn't given me, you know, any names in relation to my questions. I'm just asking.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Did you review all of them? A. I don't believe so. Q. How did you spend reviewing core logs in your preparation? A. Probably more than an hour, I think. There's a lot of information that I needed to prepare for, so I tried to sample as much as I could to be familiar with the information. Q. During that hour you spent reviewing core logs, which core logs did you review? What year did they arise from? A. I tried to sample a variety. I don't recall the specific years. Q. Did any of the core logs well, let me say, were the core logs selected for you by counsel? A. No. Q. They were provided to you by counsel, correct? A. Some, but the core logs also were	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. PROST: Object to form. A. What do you mean by "in the best position"? Q. (By Ms. O'Dell) Who would have information and personal knowledge and be able to testify regarding core logs from the Vermont mines? MR. SILVER: Objection. A. I've prepared, as best as I can, given all of the topics that were in the notice for me to be able to discuss. Q. (By Ms. O'Dell) And can you provide a name of another employee at Imerys who would have personal knowledge and information regarding the core logs from the mines in Vermont? MR. PROST: Object to form. You mean besides names he's given you already? MS. O'DELL: He hasn't given me, you know, any names in relation to my questions. I'm just asking. MR. PROST: I think he testified who
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Did you review all of them? A. I don't believe so. Q. How did you spend reviewing core logs in your preparation? A. Probably more than an hour, I think. There's a lot of information that I needed to prepare for, so I tried to sample as much as I could to be familiar with the information. Q. During that hour you spent reviewing core logs, which core logs did you review? What year did they arise from? A. I tried to sample a variety. I don't recall the specific years. Q. Did any of the core logs well, let me say, were the core logs selected for you by counsel? A. No. Q. They were provided to you by counsel, correct? A. Some, but the core logs also were provided by Mr. Marek.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. PROST: Object to form. A. What do you mean by "in the best position"? Q. (By Ms. O'Dell) Who would have information and personal knowledge and be able to testify regarding core logs from the Vermont mines? MR. SILVER: Objection. A. I've prepared, as best as I can, given all of the topics that were in the notice for me to be able to discuss. Q. (By Ms. O'Dell) And can you provide a name of another employee at Imerys who would have personal knowledge and information regarding the core logs from the mines in Vermont? MR. PROST: Object to form. You mean besides names he's given you already? MS. O'DELL: He hasn't given me, you know, any names in relation to my questions. I'm just asking. MR. PROST: I think he testified who supplied to him the core logs. Mr. Marek, he
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Did you review all of them? A. I don't believe so. Q. How did you spend reviewing core logs in your preparation? A. Probably more than an hour, I think. There's a lot of information that I needed to prepare for, so I tried to sample as much as I could to be familiar with the information. Q. During that hour you spent reviewing core logs, which core logs did you review? What year did they arise from? A. I tried to sample a variety. I don't recall the specific years. Q. Did any of the core logs well, let me say, were the core logs selected for you by counsel? A. No. Q. They were provided to you by counsel, correct? A. Some, but the core logs also were	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. PROST: Object to form. A. What do you mean by "in the best position"? Q. (By Ms. O'Dell) Who would have information and personal knowledge and be able to testify regarding core logs from the Vermont mines? MR. SILVER: Objection. A. I've prepared, as best as I can, given all of the topics that were in the notice for me to be able to discuss. Q. (By Ms. O'Dell) And can you provide a name of another employee at Imerys who would have personal knowledge and information regarding the core logs from the mines in Vermont? MR. PROST: Object to form. You mean besides names he's given you already? MS. O'DELL: He hasn't given me, you know, any names in relation to my questions. I'm just asking. MR. PROST: I think he testified who

12 (Pages 300 to 303)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 14 of 68 PageID: 51705 Patrick Downey

1 A. I believe so. 2 Q. (By Ms. O'Dell) And according to this 3 particular log, and it covers just to be fair, 4 the holes ID'd are on page 1 of Exhibit 128 are 5 M72-1, which would be that from a '72 hole, 6 correct? 1972 hole? 6 A. That seems like, yes. 7 Q. Did you review this document before 7 A. That seems like, yes. 8 Q. And if you'll look down further, you see 9 various notations made regarding drill holes with 10 ID numbers that appear to be from 1973; do you see 11 those? 12 MR. PROST: Object to form. 13 A. It appears to. 14 Q. (By Ms. O'Dell) And if you will look 15 down at the bottom, M73-6; do you see that? 16 A. Yes. 16 Q. "Filed" and I think he means		Page 304		Page 306
4 MR. PROST: Pretty much. 5 MS. O'D'ELL: O'Kay. Well, let's stick to 6 "o'bject to the form." 7 Q. (By Ms. O'D'Ell) Do you have a name of a person? 9 A. Dave Marek. 10 Q. Anyone else? 11 A. Dave would have the information. 11 Q. Anyone else at Imerys? 13 A. Dave is the one who provided them to me. 14 I think that Dave would he's got personal knowledge. 16 Q. Let me show you what I've marked as 17 Exhibit Number 28. 18 (Exhibit 28 was marked for identification.) 19 MS. O'D'ELL: It's Imerys Bates number 20 499053. 21 Q. (By Ms. O'D'Ell) And Mr. Downey, is 22 this a typewritten core log for, at least on page I, a hole that was drilled excuse me the hole ID number H72-1? 25 MR. PROST: Object to form. Page 305 A. I believe so. Q. (By Ms. O'D'Ell) And according to this aparticular log, and it covers just to be fair, the holes ID'd are on page I of Exhibit 128 are M72-1, which would be that from a 72 hole, correct? 'I'p? I hole? A. That seems like, yes. Q. And if you'll look down further, you see various notations made regarding drill holes with ID numbers that appear to be from 1973; do you see that? A. It appears to. Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? A. Yes. La Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? A. No. (Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? A. No. (Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? A. No. (Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? A. No. (Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? A. No. (Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? A. No. (Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? A. No. (Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? B. A. No. (Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6	1	question.	1	see that?
4 MR. PROST: Pretty much. 5 MS. O'D'ELL: O'Kay. Well, let's stick to 6 "o'bject to the form." 7 Q. (By Ms. O'D'ell) Do you have a name of a 8 person? 9 A. Dave Marek. 10 Q. Anyone else? 11 A. Dave would have the information. 11 2 Q. Anyone else at Imerys? 13 A. Dave would - he's got personal 14 I think that Dave would - he's got personal 15 knowledge. 16 Q. Let me show you what I've marked as 17 Exhibit Number 28. 18 (Exhibit 28 was marked for identification.) 19 MS. O'D'ELL: It's Imerys Bates number 20 499053. 21 Q. (By Ms. O'Dell) And Mr. Downey, is 22 this a typewritten core log for, at least on 23 page 1, a hole that was drilled - excuse me - the 24 hole ID number H72-1? 25 MR. PROST: Object to form. Page 305 A. I believe so. Q. (By Ms. O'D'ell) And according to this 3 particular log, and it covers just to be fair, 4 the holes ID'd are on page 1 of Exhibit 128 are 5 M72-1, which would be that from a 72 hole, 6 correct? 1972 hole? A. That seems like, yes. Q. And if you'll look down further, you see various notations made regarding drill holes with 10 ID numbers that appear to be from 1973; do you see that? A. It appears to. Q. (By Ms. O'Dell) And if you will look 11 those? A. It appears to. Q. (By Ms. O'Dell) And if you will look 11 down at the bottom, M73-6; do you see that? A. No. Q. (By Ms. O'Dell) And if you will look 11 down at the bottom, M73-6; do you see that? A. No. Q. (Filed' and I think he means	2	MS. O'DELL: Object to the form? Is that	2	A. Yes.
4 MR. PROST: Pretty much. 5 MS. OTDELL: Okay. Well, let's stick to 6 "object to the form." 7 Q. (By Ms. O'Dell) Do you have a name of a person? 8 person? 9 A. Dave Marek. 9 10 Q. Anyone else? 11 A. Dave would have the information. 12 Q. Anyone else at Imerys? 13 A. Dave is the one who provided them to me. 14 I think that Dave would he's got personal 15 knowledge. 16 Q. Let me show you what I've marked as 17 Exhibit Number 28. 18 (Exhibit 28 was marked for identification.) 19 MS. O'DELL: It's Imerys Bates number 19 Q. Agnome else at Imerys? 10 Q. (By Ms. O'Dell) And Mr. Downey, is 11 (Exhibit 28 was marked for identification.) 12 Q. (By Ms. O'Dell) And Mr. Downey, is 13 A. I believe so. 14 Q. (By Ms. O'Dell) And according to this aparticular log, and it covers just to be fair, the holes ID'd are on page 1 of Exhibit 128 are M72-1, which would be that from a '72 hole, correct?' 1972 hole? 15 A. I sappears to. 16 Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? 16 Q. And if you'll look down further, you see various notations made regarding drill holes with 10 mumbers that appear to be from 1973; do you see that? 16 Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? 17 A. I tappears to. 18 Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? 19 A. Yes. 10 Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? 19 A. Yes. 10 Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? 19 A. Yes. 10 G. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? 10 Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? 11 A. I appears to. 12 A. I appears to. 13 A. I appears to. 14 Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? 15 A. Yes. 16 Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? 17 A. Yes. 18 Q. And if you'll look down further, you	3		3	Q. And on the next page, is that a the
5 MS. O'DELL: O'kay. Well, let's stick to 6 "o'bject to the form." 7 Q. (By Ms. O'Dell) Do you have a name of a 8 person? 9 A. Dave Marek. 9 A. Dave Marek. 10 Q. Anyone else? 11 A. Dave would have the information. 12 Q. Anyone else at Imerys? 13 A. Dave is the one who provided them to me. 14 I think that Dave would — he's got personal 15 knowledge. 16 Q. Let me show you what I've marked as 17 Exhibit Number 28. 18 (Exhibit 28 was marked for identification.) 19 MS. O'DELL: It's Imerys Bates number 10 Q. (By Ms. O'Dell) And Mr. Downey, is 11 A. I believe so. 12 Q. (By Ms. O'Dell) And according to this 13 apage 1, a hole that was drilled — excuse me — the 14 hole ID number H72-1? 15 MR. PROST: Object to form. 16 A. I believe so. 17 Q. (By Ms. O'Dell) And according to this 18 particular log, and it covers — just to be fair, 19 the holes ID'd are on page 1 of Exhibit 128 — are 19 MT2-1, which would be that from a '72 hole, 20 correct?' 1972 hole? 21 A. I believe so. 22 Q. (By Ms. O'Dell) And according to this 23 particular log, and it covers — just to be fair, 24 the holes ID'd are on page 1 of Exhibit 128 — are 25 MT2-1, which would be that from a '72 hole, 26 correct?' 1972 hole? 27 A. That seems like, yes. 28 Q. And if you'll look down further, you see 29 various notations made regarding drill holes with 10 ID numbers that appear to be from 1973; do you see 11 MR. PROST: Object to form. 12 MR. PROST: Object to form. 13 A. I tappears to. 14 Q. (By Ms. O'Dell) And if you will look 15 down at the bottom, M73-6; do you see that? 15 A. No. 16 Gr? 17 A. No. 19 A. No. 19 A. No. 19 A. Totor that was a midependent record record of reviewing this document pri your testimony this week? 19 A. I don't recall. 19 A. I don't recall, but I — as I've seen documents of this type amongst the records that I sampled when I was reviewing this document pri your testimony this week? 19 A. No, I don't ave an independent record record of reviewing this document, or recollection of reviewing this document, or recollection of reviewing this	4		4	
6 "object to the form." 7 Q. (By Ms. O'Dell) Do you have a name of a person? 9 A. Dave Marek. 10 Q. Anyone else? 11 A. Dave would have the information. 12 Q. Anyone else at Imerys? 13 A. Dave is the one who provided them to me. 14 I think that Dave would he's got personal 15 knowledge. 16 Q. Let me show you what I've marked as 17 Eshibit Number 28. 18 (Exhibit 28 was marked for identification.) 19 Ms. O'DELL: It's Imerys Bates number 20 499053. 21 Q. (By Ms. O'Dell) And Mr. Downey, is 22 this a typewritten core log for, at least on 23 page 1, a hole that was drilled excuse me the 16 lol D number H72-1? 25 MR. PROST: Object to form. Page 305 1 A. I tappears to. Q. (By Ms. O'Dell) And this is a core that was produced to us by Imerys, and it at the holes ID'd are on page 1 of Exhibit 128 are 5 M72-1, which would be that from a '72 hole, correct? 1972 hole? A. It appears to. Q. (By Ms. O'Dell) And if you will look thown at the bottom, M73-6; do you see that? A. Yes. C. (By Ms. O'Dell) And if you will look thown at the bottom, M73-6; do you see that? A. No. Q. (By Ms. O'Dell) And if you will look thown at the bottom, M73-6; do you see that? A. No. Q. (B' HR. PROST: Object to form. A. It appears to. Q. (By Ms. O'Dell) Have you see that? A. I tappears to. Q. (By Ms. O'Dell) And if you will look thown at the bottom, M73-6; do you see that? A. No. Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? A. No. Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? A. No. Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? A. No. Q. (By Ms. O'Dell) And if you will look A. Yes. Q. Did you know what that is an abbreviati for? A. No. Q. "Filed" and I think he means	5	•	5	
7 Q. (By Ms. O'Dell) Do you have a name of a person? 8 person? 9 A. Dave Marek. 9 Q. Anyone else? 10 Q. Anyone else? 11 A. Dave would have the information. 12 Q. Anyone else at Imerys? 13 A. Dave is the one who provided them to me. 14 I think that Dave would he's got personal 15 knowledge. 16 Q. Let me show you what I've marked as 17 Exhibit Number 28. 18 (Exhibit 28 was marked for identification.) 19 MS. O'DELL: It's Imerys Bates number 20 499053. 21 Q. (By Ms. O'Dell) And Mr. Downey, is 22 this a typewritten core log for, at least on 23 page I, a hole that was drilled excuse me the 24 hole ID number H72-1? 25 MR. PROST: Object to form. Page 305 A. I don't recall, but I as I've said, I've seen of this type. I'm not sure i I saw this particular one. Q. You don't have an independent records that I sampled when I was reviewing this documents of this type amongst the records that I sampled when I was reviewing Q. And my question, to be clear, is, you don't have an independent record or recoil don't have an independent record or recoil of reviewing this documents, correct? A. No, I don't recall. Q. Let me show you what I've marked Exhibit 29. R. No, I don't recall. Ve seen of this type. I'm not sure i I saw this particular one. Q. You don't have an independent records that I sampled when I was reviewing this documents of this type amongst the records that I sampled when I was reviewing don't have an independent record or recoil of reviewing this documents, correct? A. No, I don't recall. Q. And my question, to be clar, is, you don't have an independent record or recoil reviewing this document, correct? A. No, I don't recall. Ve seen of this type. I'm not sure i I saw this particular one. Q. You don't have an independent records that I sampled when I was reviewing this document, correct? A. No, I don't recall, but I as I've said. Ve seen of this type. I'm not sure i I saw this particular one. Q. You don't have an independent record or recoil of reviewing this document, correct? A. No	6		6	MR. PROST: Object to form.
8 person? 9 A. Dave Marek. 9 A. Dave Marek. 10 Q. Anyone else? 11 A. Dave would have the information. 12 Q. Anyone else at Imerys? 13 A. Dave is the one who provided them to me. 14 I think that Dave would — he's got personal 15 knowledge. 16 Q. Let me show you what I've marked as 17 Exhibit Number 28. 18 (Exhibit 28 was marked for identification.) 19 MS. O'DELL: It's Imerys Bates number 20 499053. 21 Q. (By Ms. O'Dell) And Mr. Downey, is 21 this a typewritten core log for, at least on 22 a page I, a hole that was drilled — excuse me — the 24 hole ID number H72-1? 25 MR. PROST: Object to form. 26 Q. (By Ms. O'Dell) And according to this 3 particular log, and it covers — just to be fair, 4 the holes ID'd are on page I of Exhibit 128 — are 5 M72-I, which would be that from a '72 hole, 6 correct? 1972 hole? 7 A. That seems like, yes. 9 Q. And if you'll look down further, you see 9 various notations made regarding drill holes with 10 ID numbers that appear to be from 1973; do you see 11 those? MR. PROST: Object to form. 12 MR. PROST: Object to form. 13 MR. PROST: Object to form. 14 MR. PROST: Object to form. 15 MR. PROST: Object to form. 16 MR. PROST: Object to form. 17 MR. PROST: Object to form. 18 Q. (By Ms. O'Dell) And if you will look 19 MR. PROST: Object to form. 10 MR. PROST: Object to form. 11 May Prost of the firm of the particular hole from the 32-foot mark to the holes in the bottom, M73-6; do you see that? 17 MR. PROST: Object to form. 18 Q. And if you'll look in relation to this practicular hole from the 32-foot mark to the form the 32-foot mark to	7	•	7	
9 A. Dave Marek. 9 document before?	8		8	**
10 Q. Anyone else? 11 A. Dave would have the information. 12 Q. Anyone else at Imerys? 13 A. Dave is the one who provided them to me. 14 I think that Dave would he's got personal 15 knowledge. 16 Q. Let me show you what I've marked as 17 Exhibit Number 28. 18 (Exhibit 28 was marked for identification.) 19 MS. O'DELL: It's Imerys Bates number 20 499053. 21 Q. (By Ms. O'Dell) And Mr. Downey, is 22 this a typewritten core log for, at least on 23 page 1, a hole that was drilled excuse me the 24 hole ID number H72-1? 25 MR. PROST: Object to form. Page 305 A. I believe so. Q. (By Ms. O'Dell) And according to this 3 particular log, and it covers just to be fair, 4 the holes ID'd are on page 1 of Exhibit 128 are 5 M72-1, which would be that from a '72 hole, 6 correct? 1972 hole? A. That seems like, yes. Q. And if you'll look down further, you see 9 various notations made regarding drill holes with 10 ID numbers that appears to be from 1973; do you see 11 MR. PROST: Object to form. 12 MR. PROST: Object to form. 13 A. It appears to. Q. (By Ms. O'Dell) And if you will look 4 O, (By Ms. O'Dell) And if you will look 4 O, (By Ms. O'Dell) And if you will look 4 O, (By Ms. O'Dell) And if you will look 4 O, (By Ms. O'Dell) And if you will look 5 down at the bottom, M73-6; do you see that? 4 O, (By Ms. O'Dell) And if you will look 4 O, (By Ms. O'Dell) And if you will look 4 O, (By Ms. O'Dell) And if you will look 5 down at the bottom, M73-6; do you see that? 4 O, (By Ms. O'Dell) And if you will look 5 down at the bottom, M73-6; do you see that? 4 O, (By Ms. O'Dell) And if you will look 5 down at the bottom, M73-6; do you see that? 4 A. Yes. 4 O, (By Ms. O'Dell) And if you will look 5 down at the bottom, M73-6; do you see that? 5 A. No. 6 Q. "Filed" and I think he means	9	•	9	
11 A. Dave would have the information. 12 Q. Anyone else at Imerys? 13 A. Dave is the one who provided them to me. 14 I think that Dave would — he's got personal 15 knowledge. 16 Q. Let me show you what I've marked as 17 Exhibit Number 28. 18 (Exhibit 28 was marked for identification.) 19 MS. O'DELL: It's Imerys Bates number 20 499053. 21 Q. (By Ms. O'Dell) And Mr. Downey, is 22 this a typewritten core log for, at least on 23 page 1, a hole that was drilled — excuse me — the 24 hole ID number H72-1? 25 MR. PROST: Object to form. Page 305 A. I believe so. Q. (By Ms. O'Dell) And according to this 3 particular one. Page 305 Page MERYS 499052. Q. (By Ms. O'Dell) And according to this 3 particular one. 12 Q. You don't have an independent recollection of reviewing this document pri your testimony this week? A. I don't recall, but I — as I've said, I've seen documents of this type amongst It records that I sampled when I was reviewing Q. And my question, to be clear, is, you don't have an independent recollection of reviewing this documents of this type amongst It records that I sampled when I was reviewing Q. And my question, to be clear, is, you don't have an independent recollection of reviewing this documents of this type amongst It records that I sampled when I was reviewing Q. And my question, to be clear, is, you don't have an independent recollection of reviewing this documents of this type amongst It records that I sampled when I was reviewing Q. And my question, to be clear, is, you don't have an independent record — or recol of reviewing this document, correct? A. No, I don't recall. Q. Let me show you what I've marked Exhibit 29. Exhibit 29. Exhibit 29. Exhibit 29. Exhibit 29 was marked for identification.) Bage 1 MERYS 499052. Q. (By Ms. O'Dell) And this is a core that was produced to us by Imerys, and it at to relate to M73-6; do you see that? A. Yes. Q. Did you review this document before deposition? A. I don't believe so. Q. And if you'll look in relation to this particular nole from the	10		10	
12 Q. Anyone else at Imerys? 13 A. Dave is the one who provided them to me. 14 I think that Dave would he's got personal 15 knowledge. 16 Q. Let me show you what I've marked as 17 Exhibit Number 28. 18 (Exhibit 28 was marked for identification.) 19 MS. O'DELL: It's Imerys Bates number 20 499053. 21 Q. (By Ms. O'Dell) And Mr. Downey, is 22 this a typewritten core log for, at least on 23 page 1, a hole that was drilled excuse me the 24 hole ID number H72-1? 25 MR. PROST: Object to form. Page 305 A. I believe so. 2 Q. (By Ms. O'Dell) And according to this 3 particular log, and it covers just to be fair, 4 the holes ID'd are on page 1 of Exhibit 128 are 5 M72-1, which would be that from a '72 hole, 6 correct? 1972 hole? 7 A. That seems like, yes. 9 various notations made regarding drill holes with 10 ID numbers that appear to be from 1973; do you see 11 MR. PROST: Object to form. 12 MR. PROST: Object to form. 13 A. It appears to. 14 Q. (By Ms. O'Dell) And if you will look 15 down at the bottom, M73-6; do you see that? 16 A. Yes. 16 Q. You don't have an independent record recoled for reviewing this document pri you recisiom y this week? 16 A. No. 1 don't recall, but I as I've said, 17 recollection of reviewing this document be fix records that I sampled when I was reviewing 10 Q. And my question, to be clear, is, you don't have an independent record-or or recol of reviewing this documents of this type amongst the records that I sampled when I was reviewing 12 Q. (By Ms. O'Dell) And Mr. Downey, is 13 A. It appears to. 14 Q. (By Ms. O'Dell) And if you will look 15 down at the bottom, M73-6; do you see that? 16 Q. (By Ms. O'Dell) And if you will look 17 A. Yes. 18 Q. (By Ms. O'Dell) And this is a core that was produced to us by Imerys, and it at to relate to M73-6; do you see that? 19 A. I don't believe so. 20 Q. Did you review this document before deposition? 21 MR. PROST: Object to form. 22 MR. PROST: Object to form. 23 Page 24 A. I don't recall. 25 Ms. O'Dell) And this is a core that was produc	11		11	* *
13 A. Dave is the one who provided them to me. 14 I think that Dave would — he's got personal 15 knowledge. 16 Q. Let me show you what I've marked as 17 Exhibit Number 28. 18 (Exhibit 28 was marked for identification.) 19 MS. O'DELL: It's Imerys Bates number 20 499053. 21 Q. (By Ms. O'Dell) And Mr. Downey, is 22 this a typewritten core log for, at least on 23 page 1, a hole that was drilled — excuse me — the 24 hole ID number H72-1? 25 MR. PROST: Object to form. Page 305 1 A. I believe so. 2 Q. (By Ms. O'Dell) And according to this 3 particular log, and it covers — just to be fair, 4 the holes ID'd are on page 1 of Exhibit 128 — are 5 M72-1, which would be that from a '72 hole, 6 correct? 1972 hole? 7 A. That seems like, yes. 9 various notations made regarding drill holes with 10 ID numbers that appear to be from 1973; do you see 11 think that Dave would — he's got personal 1 A. It appears to. 1 G. Let me show you what I've marked 2 Exhibit 29. 2 (Exhibit 29 was marked for identification) 4 (Exhibit 29 was marked for identification) 5 (Exhibit 29 was marked for identification) 6 (Exhibit 29 was marked for identification) 7 (Exhibit 29 was marked for identification) 8 (Exhibit 29 was marked for identification) 9 (Exhibit 29 was marked for identification) 16 (Exhibit 29 was marked for identification) 17 (Exhibit 29 was marked for identification) 18 (Exhibit 29 was marked for identification) 19 (Exhibit 29 was marked for identification) 10 (Exhibit 29 was marked for identification) 10 (Exhibit 29 was marked for identification) 11 (Exhibit 29 was marked for identification) 12 (Exhibit 29 was marked for identificatio	12		12	
14 I think that Dave would he's got personal 15 knowledge. 16 Q. Let me show you what I've marked as 17 Exhibit Number 28. 18 (Exhibit 28 was marked for identification.) 19 MS. O'DELL: It's Imerys Bates number 20 499053. 21 Q. (By Ms. O'Dell) And Mr. Downey, is 22 this a typewritten core log for, at least on 23 page 1, a hole that was drilled excuse me the 24 hole ID number H72-1? 25 MR. PROST: Object to form. Page 305 1 A. I believe so. 2 Q. (By Ms. O'Dell) And according to this 3 particular log, and it covers just to be fair, 4 the holes ID'd are on page 1 of Exhibit 128 are 5 M72-1, which would be that from a '72 hole, 6 correct? 1972 hole? 6 Q. And if you'll look down further, you see 9 various notations made regarding drill holes with 10 ID numbers that appear to be from 1973; do you see 11 MR. PROST: Object to form. 12 MR. PROST: Object to form. 13 A. It appears to. 14 Q. (By Ms. O'Dell) And if you will look 14 Q. (By Ms. O'Dell) And if you will look 15 down at the bottom, M73-6; do you see that? 16 IVe seen documents of this type amongst the records that I sampled when I was reviewing this document, correct? 12 you testimony this week? 16 I've seen documents of this type amongst the records that I sampled when I was reviewing this document, correct? 20 And my question, to be clear, is, you don't have an independent record or record of reviewing this document, correct? 21 A. No, I don't recall. 22 A. No, I don't pecall when I was reviewing this document, correct? 24 A. No, I don't have an independent record or record of reviewing this document, correct? 25 A. No, I don't have an independent record or record of reviewing this document, correct? 26 A. No, I don't have an independent record or record of reviewing this document, correct? 27 A. No, I don't pecall. 28 Q. By Ms. O'Dell) And according to this 3 IB MERYS 499052. 4 Q. (By Ms. O'Dell) And according to this 4 to relate to M73-6; do you see that? 4 to relate to M73-6; do you see that? 5 A. Yes. 6 Q. Did you review this d	13		13	
15 knowledge. 15 A. I don't recall, but I as I've said, 1've seen documents of this type amongst the records that I sampled when I was reviewing the solution.) 18 Q. And my question, to be clear, is, yes, 4 Q. By Ms. O'Dell. It's Imerys Bates number 20 499053. 20 499053. 20 499053. 20 499053. 20 499053. 21 Q. (By Ms. O'Dell) And Mr. Downey, is 21 A. No, I don't recall. 22 Q. Let me show you what I've marked 23 page I, a hole that was drilled excuse me the 24 hole ID number H72-1? 24 (Exhibit 29 was marked for identification) Page 305 25 (Exhibit 29 was marked for identification) Page 305 26 (Exhibit 29 was marked for identification) Page 305 27 (Exhibit 29 was marked for identification) Page 305 28 (Exhibit 29 was marked for identification) Page 305 29 (Exhibit 29 was marked for identification) Page 305 29 (Exhibit 29 was marked for identification) Page 305 30 (Exhibit 29 was marked for identification) Page 305 30 (Exhibit 29 was marked for identification) Page 305 30 (Exhibit 29 was marked for identification) Page 305 30 (Exhibit 29 was marked for identification) Page 305 30 (Exhibit 29 was marked for identification) Page 305 30 (Exhibit 29 was marked for identification) Page 305 30 (Exhibit 29 was marked for identification) Page 305 30 (Exhibit 29 was marked for identification Page 305 30 (Exhibit 29 was marked for identification Page 305 30 (Exhibit 29 was marked for identification Page 305 30 (Exhibit 29 was marked for identification Page 305 30 (Exhibit 29 was marked for identification Page 305 30 (Exhibit 29 was marked for identification Page 305 30 (Exhibit 29 was marked for identification Page 305 30 (Exhibit 29 was marked for identification Page 305 30 (Exhibit 29 was marked for identification Page 305 30 (Exhibit 29 was marked for identification Page 305 30 (Exhibit 29 was marked for identification Page		=		
16 Q. Let me show you what I've marked as 17 Exhibit Number 28. 18 (Exhibit 28 was marked for identification.) 19 MS. O'DELL: It's Imerys Bates number 20 499053. 21 Q. (By Ms. O'Dell) And Mr. Downey, is 22 this a typewritten core log for, at least on 23 page I, a hole that was drilled excuse me the 24 hole ID number H72-1? 25 MR. PROST: Object to form. Page 305 1 A. I believe so. 2 Q. (By Ms. O'Dell) And according to this 3 particular log, and it covers just to be fair, 4 the holes ID'd are on page I of Exhibit 128 are 5 M72-1, which would be that from a '72 hole, 6 correct? 1972 hole? 6 Q. And if you'll look down further, you see 9 various notations made regarding drill holes with 10 ID numbers that appear to be from 1973; do you see 11 MR. PROST: Object to form. 12 MR. PROST: Object to form. 13 A. It appears to. 4 Q. (By Ms. O'Dell) And if you will look 4 Q. (By Ms. O'Dell) And if you will look 4 Own at the bottom, M73-6; do you see that? 4 A. No. 4 C. (By Ms. O'Dell) And if you will look 4 Own at the bottom, M73-6; do you see that? 5 A. Yes. 6 C. (By Ms. O'Dell) And if you will look 6 C. (By Ms. O'Dell) And if you will look 14 Q. (By Ms. O'Dell) And if you will look 15 down at the bottom, M73-6; do you see that? 16 A. Yes. 17 Ve seen documents of this type amongst the records that I sampled when I was review; in you don't have an independent record or recoil of reviewing this document, correct? A. No, I don't are an independent record or recoil of reviewing this document, correct? A. No, I don't at an independent record or recoil of reviewing this document, correct? A. No, I don't have an independent record or recoil of reviewing this document, correct? A. No, I don't at an independent record or recoil of reviewing this document, correct? A. No, I don't have an independent record or recoil of reviewing this document, correct? A. No, I don't have an independent record or recoil of reviewing this document, correct? A. No, Idan't a least on B. Q. (By Ms. O'Dell) And				
17 Exhibit Number 28. 18 (Exhibit 28 was marked for identification.) 19 MS. O'DELL: It's Imerys Bates number 20 499053. 21 Q. (By Ms. O'Dell) And Mr. Downey, is 22 this a typewritten core log for, at least on 23 page 1, a hole that was drilled excuse me the 24 hole ID number H72-1? 25 MR. PROST: Object to form. Page 305 1 A. I believe so. 2 Q. (By Ms. O'Dell) And according to this 3 particular log, and it covers just to be fair, 4 the holes ID'd are on page 1 of Exhibit 128 are 5 M72-1, which would be that from a '72 hole, 6 correct? 1972 hole? 6 A. That seems like, yes. 7 Q. And if you'll look down further, you see 9 various notations made regarding drill holes with 10 ID numbers that appear to be from 1973; do you see 11 Ms. PROST: Object to form. 12 Ms. O'Dell) And if you will look 14 Q. (By Ms. O'Dell) And if you will look 15 down at the bottom, M73-6; do you see that? 15 A. Yes. 16 Q. "Filed" and I think he means		-		
18 (Exhibit 28 was marked for identification.) 19 MS. O'DELL: It's Imerys Bates number 20 499053. 21 Q. (By Ms. O'Dell) And Mr. Downey, is 22 this a typewritten core log for, at least on 23 page 1, a hole that was drilled excuse me the 24 hole ID number H72-1? 25 MR. PROST: Object to form. Page 305 Page 1 A. I believe so. 2 Q. (By Ms. O'Dell) And according to this 3 particular log, and it covers just to be fair, 4 the holes ID'd are on page 1 of Exhibit 128 are 5 M72-1, which would be that from a '72 hole, 6 correct? 1972 hole? 7 A. That seems like, yes. 8 Q. And if you'll look down further, you see 9 various notations made regarding drill holes with 10 ID numbers that appear to be from 1973; do you see 11 those? 12 MR. PROST: Object to form. 13 A. It appears to. Q. (By Ms. O'Dell) And if you will look 15 down at the bottom, M73-6; do you see that? A. Yes. 16 Q. "Filed" and I think he means		-		
MS. O'DELL: It's Imerys Bates number 499053. Q. (By Ms. O'Dell) And Mr. Downey, is this a typewritten core log for, at least on page 1, a hole that was drilled excuse me the hole ID number H72-1? MR. PROST: Object to form. Page 305 A. I believe so. Q. (By Ms. O'Dell) And according to this particular log, and it covers just to be fair, the holes ID'd are on page 1 of Exhibit 128 are M72-1, which would be that from a '72 hole, correct? 1972 hole? A. That seems like, yes. Q. And if you'll look down further, you see various notations made regarding drill holes with ID numbers that appear to be from 1973; do you see those? MR. PROST: Object to form. 199 don't have an independent record or recol of reviewing this document, correct? A. No, I don't recall. Q. Let me show you what I've marked Exhibit 29. (Exhibit 29. MS. O'DELL: And it's Bates number Page MS. O'DELL: And it's Bates number Page 1 IMERYS 499052. Q. (By Ms. O'Dell) And this is a core that was produced to us by Imerys, and it at to relate to M73-6; do you see that? A. Yes. Q. Did you review this document before deposition? A. I don't believe so. Q. And if you'll look in relation to this particular hole from the 32-foot mark to the form. A. It appears to. Q. (By Ms. O'Dell) And if you will look A. Yes. 10 Do you know what that is an abbreviati for? A. No. Q. "Filed" and I think he means				•
20 499053. 21 Q. (By Ms. O'Dell) And Mr. Downey, is 22 this a typewritten core log for, at least on 23 page 1, a hole that was drilled excuse me the 24 hole ID number H72-1? 25 MR. PROST: Object to form. Page 305 1 A. I believe so. 2 Q. (By Ms. O'Dell) And according to this 3 particular log, and it covers just to be fair, 4 the holes ID'd are on page 1 of Exhibit 128 are 5 M72-1, which would be that from a '72 hole, 6 correct? 1972 hole? 6 A. That seems like, yes. 8 Q. And if you'll look down further, you see 9 various notations made regarding drill holes with 10 ID numbers that appear to be from 1973; do you see 11 those? 12 MR. PROST: Object to form. 13 A. It appears to. Q. (By Ms. O'Dell) And if you will look 14 Q. (By Ms. O'Dell) And if you will look 15 down at the bottom, M73-6; do you see that? 16 A. Yes. 17 A. No, I don't recall. Q. Let me show you what I've marked Exhibit 29. Q. Let me show you what I've marked Exhibit 29. Q. Let me show you what I've marked Exhibit 29. Q. (Exhibit 29. I MS. O'DELL: And it's Bates number Page 24 D. (By Ms. O'Dell) And this is a core that was produced to us by Imerys, and it at to relate to M73-6; do you see that? A. Yes. Q. Did you review this document beford deposition? A. I don't believe so. Q. And if you'll look down further, you see 10 particular hole from the 32-foot mark to the form those? 11 G7.7-foot mark, you see the geologist has not particular hole from the 32-foot mark to the form the sempentially altered with FRX." Do you know what that is an abbreviation? A. It appears to. Q. (By Ms. O'Dell) And if you will look 4 G7.7-foot mark, you see the geologist has not particular hole from the 32-foot mark to the form? A. No. Q. (By Ms. O'Dell) And if you will look A. Yes. 15 A. No. Q. (By Ms. O'Dell) And if you will look Q. (By Ms. O'Dell) And if you will look Q. (By Ms. O'Dell) And if you will look Q. (By Ms. O'Dell) And if you will look Q. (By Ms. O'Dell) And if you will look Q. (By Ms. O'Dell) And it has a particular hole from the 32-foot mark				· -
21 Q. (By Ms. O'Dell) And Mr. Downey, is 22 this a typewritten core log for, at least on 23 page 1, a hole that was drilled excuse me the 24 hole ID number H72-1? 25 MR. PROST: Object to form. Page 305 Page 1 A. I believe so. 2 Q. (By Ms. O'Dell) And according to this 3 particular log, and it covers just to be fair, 4 the holes ID'd are on page 1 of Exhibit 128 are 5 M72-1, which would be that from a '72 hole, 6 correct? 1972 hole? 6 A. That seems like, yes. 7 Q. And if you'll look down further, you see 9 various notations made regarding drill holes with 10 ID numbers that appear to be from 1973; do you see those? 11 A. No, I don't recall. Q. Let me show you what I've marked Exhibit 29. (Exhibit 29 was marked for identificating Ms. O'Dell) And it's Bates number Page 1 Ms. O'Dell. And it's Bates number 1 IMERYS 499052. Q. (By Ms. O'Dell) And this is a core that was produced to us by Imerys, and it at to relate to M73-6; do you see that? A. Yes. Q. Did you review this document before deposition? A. I don't believe so. Q. And if you'll look in relation to this particular hole from the 32-foot mark to the form those? 11 "serpentinite partially altered with FRX." Do you know what that is an abbreviating for? A. No. Q. (By Ms. O'Dell) And if you will look A. Yes. 16 A. Yes. 17 A. No. Q. "Filed" and I think he means		·		=
this a typewritten core log for, at least on page 1, a hole that was drilled excuse me the lole ID number H72-1? thole ID number H72-1? make and the page 305 The page 305 A. I believe so. Q. (By Ms. O'Dell) And according to this particular log, and it covers just to be fair, the holes ID'd are on page 1 of Exhibit 128 are more for correct? 1972 hole? A. That seems like, yes. Q. And if you'll look down further, you see particuls notations made regarding drill holes with ID numbers that appear to be from 1973; do you see those make a particular hole from the 32-foot mark to the form those? MR. PROST: Object to form. A. It appears to. Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? A. Yes. Q. (By Ms. O'Dell) And if you will look down what that is an abbreviation? A. No. Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? A. No. Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? A. No. Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? A. No. Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? A. Yes.				
page 1, a hole that was drilled excuse me the hole ID number H72-1? 24 hole ID number H72-1? 25 MR. PROST: Object to form. Page 305 Page 305 A. I believe so. Q. (By Ms. O'Dell) And according to this particular log, and it covers just to be fair, the holes ID'd are on page 1 of Exhibit 128 are that was produced to us by Imerys, and it at the holes ID'd are on page 1 of Exhibit 128 are that was produced to us by Imerys, and it at to relate to M73-6; do you see that? A. That seems like, yes. Q. And if you'll look down further, you see various notations made regarding drill holes with ID numbers that appear to be from 1973; do you see those those? MR. PROST: Object to form. A. It appears to. Q. (By Ms. O'Dell) And if you will look that for? A. Yes. Exhibit 29. (Exhibit 29. (By Ms. O'Dell) And this is a core that was produced to us by Imers, and it at that was produced to us by Imers, and it at that wa				
hole ID number H72-1? MR. PROST: Object to form. Page 305 A. I believe so. Q. (By Ms. O'Dell) And according to this a particular log, and it covers just to be fair, the holes ID'd are on page 1 of Exhibit 128 are M72-1, which would be that from a '72 hole, correct? 1972 hole? A. That seems like, yes. Q. And if you'll look down further, you see warious notations made regarding drill holes with ID numbers that appear to be from 1973; do you see that was produced to us by Imerys, and it at the holes ID'd are on page 1 of Exhibit 128 are deposition? A. That seems like, yes. Q. And if you'll look down further, you see warious notations made regarding drill holes with ID numbers that appear to be from 1973; do you see those? MR. PROST: Object to form. A. It appears to. Q. (By Ms. O'Dell) And if you will look deposition? A. I don't believe so. Q. And if you'll look in relation to this particular hole from the 32-foot mark to the foot mark, you see the geologist has marked for identification MS. O'Dell) And if you will look in for? A. It appears to. Q. (By Ms. O'Dell) And if you will look in for? A. It appears to. Q. (By Ms. O'Dell) And if you will look in for? A. No. A. Yes.				
Page 305 A. I believe so. Q. (By Ms. O'Dell) And according to this a particular log, and it covers just to be fair, the holes ID'd are on page 1 of Exhibit 128 are M72-1, which would be that from a '72 hole, correct? 1972 hole? A. That seems like, yes. Q. And if you'll look down further, you see various notations made regarding drill holes with ID numbers that appear to be from 1973; do you see those? MR. PROST: Object to form. A. It appears to. Q. (By Ms. O'Dell) And this is a core that was produced to us by Imerys, and it at to relate to M73-6; do you see that? A. Yes. Q. Did you review this document befor deposition? A. I don't believe so. Q. And if you'll look in relation to this particular hole from the 32-foot mark to the foot mark, you see the geologist has mark to the foot mark you see the geologist has mark to geometric partially altered with FRX." A. It appears to. Q. (By Ms. O'Dell) And if you will look down at the bottom, M73-6; do you see that? A. No. Q. "Filed" and I think he means				
Page 305 A. I believe so. Q. (By Ms. O'Dell) And according to this particular log, and it covers just to be fair, the holes ID'd are on page 1 of Exhibit 128 are M72-1, which would be that from a '72 hole, correct? 1972 hole? A. That seems like, yes. Q. And if you'll look down further, you see various notations made regarding drill holes with ID numbers that appear to be from 1973; do you see those? MR. PROST: Object to form. A. It appears to. Q. (By Ms. O'Dell) And this is a core that was produced to us by Imerys, and it appears to to relate to M73-6; do you see that? A. Yes. Q. Did you review this document befor deposition? A. I don't believe so. Q. And if you'll look in relation to this particular hole from the 32-foot mark to the for.7-foot mark, you see the geologist has not made regarding drill holes with and the form the seminary of the form the seminary of the form the seminary of the form of the form the seminary of the form the seminary of the form of the form the seminary of the form of the form the seminary of the form the seminary of the form of the form the seminary of the form o				
1 A. I believe so. 2 Q. (By Ms. O'Dell) And according to this 3 particular log, and it covers just to be fair, 4 the holes ID'd are on page 1 of Exhibit 128 are 5 M72-1, which would be that from a '72 hole, 6 correct? 1972 hole? 6 A. That seems like, yes. 7 Q. And if you'll look down further, you see 9 various notations made regarding drill holes with 10 ID numbers that appear to be from 1973; do you see 11 those? 12 MR. PROST: Object to form. 13 A. It appears to. 14 Q. (By Ms. O'Dell) And if you will look 15 down at the bottom, M73-6; do you see that? 16 A. Yes. 1 IMERYS 499052. Q. (By Ms. O'Dell) And this is a core that was produced to us by Imerys, and it appears to be fair, 4 to relate to M73-6; do you see that? A. Yes. Q. Did you review this document before deposition? A. I don't believe so. Q. And if you'll look in relation to this particular hole from the 32-foot mark to the form the 32-foot mark to the form the see the geologist has not support to form. 14 Q. (By Ms. O'Dell) And if you will look 15 down at the bottom, M73-6; do you see that? 16 A. Yes. 17 A. No. 18 Q. "Filed" and I think he means		·		Page 307
Q. (By Ms. O'Dell) And according to this particular log, and it covers just to be fair, the holes ID'd are on page 1 of Exhibit 128 are M72-1, which would be that from a '72 hole, correct? 1972 hole? A. That seems like, yes. Q. And if you'll look down further, you see various notations made regarding drill holes with ID numbers that appear to be from 1973; do you see those? MR. PROST: Object to form. A. It appears to. Q. (By Ms. O'Dell) And this is a core that was produced to us by Imerys, and it appears to relate to M73-6; do you see that? A. Yes. Q. Did you review this document befor deposition? A. I don't believe so. Q. And if you'll look in relation to this particular hole from the 32-foot mark to the form those? MR. PROST: Object to form. A. It appears to. Do you know what that is an abbreviating for? A. No. A. Yes. Q. (By Ms. O'Dell) And if you will look A. Yes. A. No. Q. "Filed" and I think he means	1		1	
particular log, and it covers just to be fair, the holes ID'd are on page 1 of Exhibit 128 are M72-1, which would be that from a '72 hole, correct? 1972 hole? A. That seems like, yes. Q. And if you'll look down further, you see various notations made regarding drill holes with ID numbers that appear to be from 1973; do you see those? MR. PROST: Object to form. A. It appears to. Q. (By Ms. O'Dell) And if you will look A. Yes. That was produced to us by Imerys, and it appears to relate to M73-6; do you see that? A. Yes. Q. Did you review this document before deposition? A. I don't believe so. Q. And if you'll look in relation to this particular hole from the 32-foot mark to the foot mark, you see the geologist has not seen the product of the particular hole from the foot mark, you see the geologist has not mark to the foot mark, you see the geologist has not mark to the foot mark, you see the geologist has not mark to the foot mark, you see the geologist has not mark to the foot mark, you see the geologist has not mark to the foot mark, you see the geologist has not mark to the foot mark, you see the geologist has not mark to the foot mark, you see the geologist has not mark to the foot mark, you see the geologist has not mark to the foot mark, you see the geologist has not mark to the foot mark, you see the geologist has not mark to the foot mark, you see the geologist has not mark to the foot mark, you see the geologist has not mark to the foot mark, you see the geologist has not mark to the foot mark, you see the geologist has not mark to the foot mark to mark to mark to mark to				
the holes ID'd are on page 1 of Exhibit 128 are M72-1, which would be that from a '72 hole, correct? 1972 hole? A. That seems like, yes. Q. And if you'll look down further, you see various notations made regarding drill holes with ID numbers that appear to be from 1973; do you see those? MR. PROST: Object to form. A. It appears to. Q. (By Ms. O'Dell) And if you will look A. Yes. to relate to M73-6; do you see that? A. Yes. A. Yes. Q. Did you review this document befor deposition? A. I don't believe so. Q. And if you'll look in relation to this particular hole from the 32-foot mark to the form those? 10 particular hole from the 32-foot mark to the form those? 11 for? Do you know what that is an abbreviating for? A. No. A. Yes. A. Yes.				
5 M72-1, which would be that from a '72 hole, 6 correct? 1972 hole? 6 Q. Did you review this document befor 7 A. That seems like, yes. 7 deposition? 8 Q. And if you'll look down further, you see 9 various notations made regarding drill holes with 10 ID numbers that appear to be from 1973; do you see 11 those? 12 MR. PROST: Object to form. 13 A. It appears to. 14 Q. (By Ms. O'Dell) And if you will look 15 down at the bottom, M73-6; do you see that? 16 A. Yes. A. Yes. A. Yes. Q. Did you review this document befor deposition? A. I don't believe so. Q. And if you'll look in relation to this particular hole from the 32-foot mark to the form those? 10 particular hole from the 32-foot mark to the geologist has not particular hole from the 32-foot mark to the form those? 11 for one form the 32-foot mark to the form the form the 32-foot mark to the form the				
6 correct? 1972 hole? 7 A. That seems like, yes. 8 Q. And if you'll look down further, you see 9 various notations made regarding drill holes with 10 ID numbers that appear to be from 1973; do you see 11 those? 12 MR. PROST: Object to form. 13 A. It appears to. 14 Q. (By Ms. O'Dell) And if you will look 15 down at the bottom, M73-6; do you see that? 16 A. Yes. 17 deposition? 4 A. I don't believe so. 9 Q. And if you'll look in relation to this particular hole from the 32-foot mark to the form those? 10 particular hole from the 32-foot mark to the form those? 11 67.7-foot mark, you see the geologist has not provided in the form of the form the foot mark to the form those? 12 particular hole from the 32-foot mark to the form those? 13 particular hole from the 32-foot mark to the form those? 14 particular hole from the 32-foot mark to the form the 32-foot mark to the foot mark				
A. That seems like, yes. Q. And if you'll look down further, you see yourious notations made regarding drill holes with ID numbers that appear to be from 1973; do you see those? MR. PROST: Object to form. MR. PROST: Object to form. A. It appears to. Q. (By Ms. O'Dell) And if you will look A. I don't believe so. Q. And if you'll look in relation to this particular hole from the 32-foot mark to the 67.7-foot mark, you see the geologist has not "serpentinite partially altered with FRX." Do you know what that is an abbreviating for? A. No. A. Yes. A. No. Q. "Filed" and I think he means				
Q. And if you'll look down further, you see yarious notations made regarding drill holes with ID numbers that appear to be from 1973; do you see those? MR. PROST: Object to form. A. It appears to. Q. (By Ms. O'Dell) And if you will look Q. (By Ms. O'Dell) And if you will look A. Yes. A. I don't believe so. Q. And if you'll look in relation to this particular hole from the 32-foot mark to the for. 67.7-foot mark, you see the geologist has not a provide the partially altered with FRX." Do you know what that is an abbreviation for? A. No. Q. "Filed" and I think he means				- · · · · · · · · · · · · · · · · · · ·
various notations made regarding drill holes with 10 ID numbers that appear to be from 1973; do you see 11 those? 12 MR. PROST: Object to form. 13 A. It appears to. 14 Q. (By Ms. O'Dell) And if you will look 15 down at the bottom, M73-6; do you see that? 16 A. Yes. Q. And if you'll look in relation to this particular hole from the 32-foot mark to the 10 particular hole from the 32-foot mark to the 11 for? 12 "serpentinite partially altered with FRX." 13 Do you know what that is an abbreviation for? 15 A. No. 16 Q. "Filed" and I think he means		-		-
10 ID numbers that appear to be from 1973; do you see those? 11 those? 12 MR. PROST: Object to form. 13 A. It appears to. 14 Q. (By Ms. O'Dell) And if you will look 15 down at the bottom, M73-6; do you see that? 16 A. Yes. 10 particular hole from the 32-foot mark to the 67.7-foot mark, you see the geologist has no respectively. 11 is particular hole from the 32-foot mark to the 67.7-foot mark, you see the geologist has no respectively. 12 is particular hole from the 32-foot mark to the 67.7-foot mark, you see the geologist has no respectively. 13 is particular hole from the 32-foot mark to the 67.7-foot mark, you see the geologist has no respectively. 14 is particular hole from the 32-foot mark to the form the 32-foot mark to the foot mark you see the geologist has no respectively. 15 is particular hole from the 32-foot mark to the foot mark, you see the geologist has no respectively. 15 is particular hole from the 32-foot mark to the foot mark, you see the geologist has no respectively. 16 is particular hole from the 32-foot mark to the foot mark you see the geologist has no respectively. 18 is particular hole from the 32-foot mark to the foot mark you see the geologist has no respectively. 19 is particular hole from the 32-foot mark to the foot mark you see the geologist has no respectively. 10 is particular hole from the 32-foot mark to the foot mark you see the geologist has no respectively. 11 is particular hole from the 32-foot mark to the foot mark you see the geologist has no respectively. 12 is particular hole from the 32-foot mark to the foot mark you see the geologist has no respectively. 13 is particular hole from the 32-foot mark to the foot mark you see the geologist has no respectively. 14 is particular hole from the 32-foot mark to the foot mark you see the geologist has no respectively. 15 is particular hole from the 32-foot mark to the foot mark you see the geologist has no respectively. 16 is particular hole from the 32-foot mark you see the geologist has no foot mark you see the geologist ha	9	, ,		
those? 11 67.7-foot mark, you see the geologist has not geologist		I		
12 MR. PROST: Object to form. 13 A. It appears to. 14 Q. (By Ms. O'Dell) And if you will look 15 down at the bottom, M73-6; do you see that? 16 A. Yes. 19 "serpentinite partially altered with FRX." 10 Do you know what that is an abbreviation for? 11 A. No. 12 "serpentinite partially altered with FRX." 12 Do you know what that is an abbreviation for? 13 A. No. 14 Go. "Filed" and I think he means				*
13 A. It appears to. 14 Q. (By Ms. O'Dell) And if you will look 15 down at the bottom, M73-6; do you see that? 16 A. Yes. 17 Do you know what that is an abbreviation of the for? 18 A. No. 19 Q. "Filed" and I think he means				
14 Q. (By Ms. O'Dell) And if you will look 15 down at the bottom, M73-6; do you see that? 16 A. Yes. 16 Q. "Filed" and I think he means		-		
down at the bottom, M73-6; do you see that? 15 A. No. 16 A. Yes. 16 Q. "Filed" and I think he means		= =		•
16 A. Yes. 16 Q. "Filed" and I think he means				
		·		
U. And then, in relation to M/3-6, the 17 "filled" "with quartz and talc": do you see	17	Q. And then, in relation to M73-6, the	17	"filled" "with quartz and talc"; do you see
18 geologist creating the log has noted "talc zone" 18 that?				•
19 with 'serp''' I interpret that to mean 19 A. Yes.				
				Q. Is it fair to say that "FRX" is probably
21 MR. PROST: Object to form. 21 "fractures"?				· · · · · · · · · · · · · · · · · · ·
22 A. Or serpentinite granules. 22 MR. PROST: Object to form.		-		
23 Q. (By Ms. O'Dell) Yes. 23 A. I don't know.				-
				Q. (By Ms. O'Dell) And then from foot 83
				to 87.4, you see that the geologist has noted

13 (Pages 304 to 307)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 15 of 68 PageID: 51706 Patrick Downey

	Page 308		Page 310
1	"serpentinite partially altered"; did I read that	1	Q. Let me show you what I'm marking as
2	correctly?	2	Exhibit 30.
3	A. Yes.	3	MS. O'DELL: And it's Bates number
4	Q. All right. Let me show you what I'm	4	MR. SILVER: Wait. What number did you say?
5	marking as Exhibit 30.	5	It's 31.
6	(Exhibit 30 was marked for identification.)	6	MS. O'DELL: Oh, sorry. Excuse me. 31.
7	MS. O'DELL: Has Bates number IMERYS 427419.	7	Thank you.
8	Q. (By Ms. O'Dell) You see that this is a	8	(Exhibit 31 was marked for identification.)
9	core drill log from M73, so dash 3, so that	9	Q. (By Ms. O'Dell) Have you seen this
10	would be hole number 3 that was drilled in 1973,	10	document before today?
11	correct?	11	A. (Document reviewed.) I don't recall.
12	A. It would seem so.	12	Q. It's dated June the 4th, 1996?
13	Q. And that's from Argonaut.	13	A. Yes.
14	Did you review this prior to your	14	Q. And it references you'll see "hole"
15	deposition?	15	here at the top of the chart; do you see that?
16	A. I don't believe so.	16	A. Yes.
17	Q. Okay. If you'll turn to page 3 of the	17	Q. And it also relates to the Argonaut
18	exhibit, Bates 421 is the last three Bates numbers;	18	Mine?
19	do you see that?	19	A. Yes.
20	A. I'm on that page.	20	Q. And then you'll see from, hole number 2,
21	Q. Okay. And this relates to M73 number 6	21	it says it's at pitch 3. It notes serpentinite; do
22	from Argonaut. And you see it says at foot 32 to	22	you see that?
23	67.7, serpentine.	23	A. What are you referencing? Sorry.
24	A. "Serpentinite."	24	Q. There's a column that's entitle "SERP."
25	Q. Yes, I'm sorry. "Serpentinite."	25	A. Okay.
	· · ·		71. Okty.
	D 200		Dama 211
_	Page 309		Page 311
1	And then, again, at 83 feet to 87.4 is	1	Q. I assume that's serpentinite. Would you
2	And then, again, at 83 feet to 87.4 is "serpentinite partially altered"; do you see	2	Q. I assume that's serpentinite. Would you agree with me on that?
2 3	And then, again, at 83 feet to 87.4 is "serpentinite partially altered"; do you see A. Yes.	2	Q. I assume that's serpentinite. Would you agree with me on that? A. Would I.
2 3 4	And then, again, at 83 feet to 87.4 is "serpentinite partially altered"; do you see A. Yes. Q. And then from 127 to 139.3, serpentinite	2 3 4	Q. I assume that's serpentinite. Would you agree with me on that? A. Would I. Q. And it says that at hole number 2, there
2 3 4 5	And then, again, at 83 feet to 87.4 is "serpentinite partially altered"; do you see A. Yes. Q. And then from 127 to 139.3, serpentinite mottled," and it says, "MAR alteration"; do you see	2 3 4 5	Q. I assume that's serpentinite. Would you agree with me on that? A. Would I. Q. And it says that at hole number 2, there is 6 percent serpentinite; did I read that
2 3 4 5 6	And then, again, at 83 feet to 87.4 is "serpentinite partially altered"; do you see A. Yes. Q. And then from 127 to 139.3, serpentinite mottled," and it says, "MAR alteration"; do you see that?	2 3 4 5 6	Q. I assume that's serpentinite. Would you agree with me on that? A. Would I. Q. And it says that at hole number 2, there is 6 percent serpentinite; did I read that correctly?
2 3 4 5 6 7	And then, again, at 83 feet to 87.4 is "serpentinite partially altered"; do you see A. Yes. Q. And then from 127 to 139.3, serpentinite mottled," and it says, "MAR alteration"; do you see that? A. That's what it says.	2 3 4 5 6 7	Q. I assume that's serpentinite. Would you agree with me on that? A. Would I. Q. And it says that at hole number 2, there is 6 percent serpentinite; did I read that correctly? A. I'm not exactly sure what the reference
2 3 4 5 6 7 8	And then, again, at 83 feet to 87.4 is "serpentinite partially altered"; do you see A. Yes. Q. And then from 127 to 139.3, serpentinite mottled," and it says, "MAR alteration"; do you see that? A. That's what it says. Q. And you would that serpentinite can	2 3 4 5 6 7 8	Q. I assume that's serpentinite. Would you agree with me on that? A. Would I. Q. And it says that at hole number 2, there is 6 percent serpentinite; did I read that correctly? A. I'm not exactly sure what the reference of the 6 is. I would agree that it says "6" under
2 3 4 5 6 7 8	And then, again, at 83 feet to 87.4 is "serpentinite partially altered"; do you see A. Yes. Q. And then from 127 to 139.3, serpentinite mottled," and it says, "MAR alteration"; do you see that? A. That's what it says. Q. And you would that serpentinite can include asbestos fibers, correct?	2 3 4 5 6 7 8	Q. I assume that's serpentinite. Would you agree with me on that? A. Would I. Q. And it says that at hole number 2, there is 6 percent serpentinite; did I read that correctly? A. I'm not exactly sure what the reference of the 6 is. I would agree that it says "6" under the column of "Serpentinite."
2 3 4 5 6 7 8 9	And then, again, at 83 feet to 87.4 is "serpentinite partially altered"; do you see A. Yes. Q. And then from 127 to 139.3, serpentinite mottled," and it says, "MAR alteration"; do you see that? A. That's what it says. Q. And you would that serpentinite can include asbestos fibers, correct? MR. PROST: Object to form.	2 3 4 5 6 7 8 9	Q. I assume that's serpentinite. Would you agree with me on that? A. Would I. Q. And it says that at hole number 2, there is 6 percent serpentinite; did I read that correctly? A. I'm not exactly sure what the reference of the 6 is. I would agree that it says "6" under the column of "Serpentinite." Q. And to the right, it says
2 3 4 5 6 7 8 9 10	And then, again, at 83 feet to 87.4 is "serpentinite partially altered"; do you see A. Yes. Q. And then from 127 to 139.3, serpentinite mottled," and it says, "MAR alteration"; do you see that? A. That's what it says. Q. And you would that serpentinite can include asbestos fibers, correct? MR. PROST: Object to form. A. I'm sorry. I didn't hear the first	2 3 4 5 6 7 8 9 10	Q. I assume that's serpentinite. Would you agree with me on that? A. Would I. Q. And it says that at hole number 2, there is 6 percent serpentinite; did I read that correctly? A. I'm not exactly sure what the reference of the 6 is. I would agree that it says "6" under the column of "Serpentinite." Q. And to the right, it says "serpentinite"; do you see that?
2 3 4 5 6 7 8 9 10 11 12	And then, again, at 83 feet to 87.4 is "serpentinite partially altered"; do you see A. Yes. Q. And then from 127 to 139.3, serpentinite mottled," and it says, "MAR alteration"; do you see that? A. That's what it says. Q. And you would that serpentinite can include asbestos fibers, correct? MR. PROST: Object to form. A. I'm sorry. I didn't hear the first part.	2 3 4 5 6 7 8 9 10 11 12	Q. I assume that's serpentinite. Would you agree with me on that? A. Would I. Q. And it says that at hole number 2, there is 6 percent serpentinite; did I read that correctly? A. I'm not exactly sure what the reference of the 6 is. I would agree that it says "6" under the column of "Serpentinite." Q. And to the right, it says "serpentinite"; do you see that? A. That's with it looks like, yes.
2 3 4 5 6 7 8 9 10 11 12 13	And then, again, at 83 feet to 87.4 is "serpentinite partially altered"; do you see A. Yes. Q. And then from 127 to 139.3, serpentinite mottled," and it says, "MAR alteration"; do you see that? A. That's what it says. Q. And you would that serpentinite can include asbestos fibers, correct? MR. PROST: Object to form. A. I'm sorry. I didn't hear the first part. Q. (By Ms. O'Dell) Serpentinite	2 3 4 5 6 7 8 9 10 11 12 13	Q. I assume that's serpentinite. Would you agree with me on that? A. Would I. Q. And it says that at hole number 2, there is 6 percent serpentinite; did I read that correctly? A. I'm not exactly sure what the reference of the 6 is. I would agree that it says "6" under the column of "Serpentinite." Q. And to the right, it says "serpentinite"; do you see that? A. That's with it looks like, yes. Q. And you go on down the column for
2 3 4 5 6 7 8 9 10 11 12 13	And then, again, at 83 feet to 87.4 is "serpentinite partially altered"; do you see A. Yes. Q. And then from 127 to 139.3, serpentinite mottled," and it says, "MAR alteration"; do you see that? A. That's what it says. Q. And you would that serpentinite can include asbestos fibers, correct? MR. PROST: Object to form. A. I'm sorry. I didn't hear the first part. Q. (By Ms. O'Dell) Serpentinite A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. I assume that's serpentinite. Would you agree with me on that? A. Would I. Q. And it says that at hole number 2, there is 6 percent serpentinite; did I read that correctly? A. I'm not exactly sure what the reference of the 6 is. I would agree that it says "6" under the column of "Serpentinite." Q. And to the right, it says "serpentinite"; do you see that? A. That's with it looks like, yes. Q. And you go on down the column for serpentinite, you'll see that you've got a number
2 3 4 5 6 7 8 9 10 11 12 13 14 15	And then, again, at 83 feet to 87.4 is "serpentinite partially altered"; do you see A. Yes. Q. And then from 127 to 139.3, serpentinite mottled," and it says, "MAR alteration"; do you see that? A. That's what it says. Q. And you would that serpentinite can include asbestos fibers, correct? MR. PROST: Object to form. A. I'm sorry. I didn't hear the first part. Q. (By Ms. O'Dell) Serpentinite A. Yes. Q can include asbestos fibers, true?	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. I assume that's serpentinite. Would you agree with me on that? A. Would I. Q. And it says that at hole number 2, there is 6 percent serpentinite; did I read that correctly? A. I'm not exactly sure what the reference of the 6 is. I would agree that it says "6" under the column of "Serpentinite." Q. And to the right, it says "serpentinite"; do you see that? A. That's with it looks like, yes. Q. And you go on down the column for serpentinite, you'll see that you've got a number of different holes that reference a certain
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	And then, again, at 83 feet to 87.4 is "serpentinite partially altered"; do you see A. Yes. Q. And then from 127 to 139.3, serpentinite mottled," and it says, "MAR alteration"; do you see that? A. That's what it says. Q. And you would that serpentinite can include asbestos fibers, correct? MR. PROST: Object to form. A. I'm sorry. I didn't hear the first part. Q. (By Ms. O'Dell) Serpentinite A. Yes. Q can include asbestos fibers, true? A. If the source material is of the right	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. I assume that's serpentinite. Would you agree with me on that? A. Would I. Q. And it says that at hole number 2, there is 6 percent serpentinite; did I read that correctly? A. I'm not exactly sure what the reference of the 6 is. I would agree that it says "6" under the column of "Serpentinite." Q. And to the right, it says "serpentinite"; do you see that? A. That's with it looks like, yes. Q. And you go on down the column for serpentinite, you'll see that you've got a number of different holes that reference a certain percentage of serpentinite night ranging from 2
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	And then, again, at 83 feet to 87.4 is "serpentinite partially altered"; do you see A. Yes. Q. And then from 127 to 139.3, serpentinite mottled," and it says, "MAR alteration"; do you see that? A. That's what it says. Q. And you would that serpentinite can include asbestos fibers, correct? MR. PROST: Object to form. A. I'm sorry. I didn't hear the first part. Q. (By Ms. O'Dell) Serpentinite A. Yes. Q can include asbestos fibers, true? A. If the source material is of the right composition and the right type of metamorphosis	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. I assume that's serpentinite. Would you agree with me on that? A. Would I. Q. And it says that at hole number 2, there is 6 percent serpentinite; did I read that correctly? A. I'm not exactly sure what the reference of the 6 is. I would agree that it says "6" under the column of "Serpentinite." Q. And to the right, it says "serpentinite"; do you see that? A. That's with it looks like, yes. Q. And you go on down the column for serpentinite, you'll see that you've got a number of different holes that reference a certain percentage of serpentinite night ranging from 2 percent to 6 percent, correct?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	And then, again, at 83 feet to 87.4 is "serpentinite partially altered"; do you see A. Yes. Q. And then from 127 to 139.3, serpentinite mottled," and it says, "MAR alteration"; do you see that? A. That's what it says. Q. And you would that serpentinite can include asbestos fibers, correct? MR. PROST: Object to form. A. I'm sorry. I didn't hear the first part. Q. (By Ms. O'Dell) Serpentinite A. Yes. Q can include asbestos fibers, true? A. If the source material is of the right composition and the right type of metamorphosis occurs, that can be the case, but that's not the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. I assume that's serpentinite. Would you agree with me on that? A. Would I. Q. And it says that at hole number 2, there is 6 percent serpentinite; did I read that correctly? A. I'm not exactly sure what the reference of the 6 is. I would agree that it says "6" under the column of "Serpentinite." Q. And to the right, it says "serpentinite"; do you see that? A. That's with it looks like, yes. Q. And you go on down the column for serpentinite, you'll see that you've got a number of different holes that reference a certain percentage of serpentinite night ranging from 2 percent to 6 percent, correct? A. The numbers in the column under certify
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	And then, again, at 83 feet to 87.4 is "serpentinite partially altered"; do you see A. Yes. Q. And then from 127 to 139.3, serpentinite mottled," and it says, "MAR alteration"; do you see that? A. That's what it says. Q. And you would that serpentinite can include asbestos fibers, correct? MR. PROST: Object to form. A. I'm sorry. I didn't hear the first part. Q. (By Ms. O'Dell) Serpentinite A. Yes. Q can include asbestos fibers, true? A. If the source material is of the right composition and the right type of metamorphosis occurs, that can be the case, but that's not the case with the mines that we're discussing.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. I assume that's serpentinite. Would you agree with me on that? A. Would I. Q. And it says that at hole number 2, there is 6 percent serpentinite; did I read that correctly? A. I'm not exactly sure what the reference of the 6 is. I would agree that it says "6" under the column of "Serpentinite." Q. And to the right, it says "serpentinite"; do you see that? A. That's with it looks like, yes. Q. And you go on down the column for serpentinite, you'll see that you've got a number of different holes that reference a certain percentage of serpentinite night ranging from 2 percent to 6 percent, correct? A. The numbers in the column under certify pen tine range the numbers under the column
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	And then, again, at 83 feet to 87.4 is "serpentinite partially altered"; do you see A. Yes. Q. And then from 127 to 139.3, serpentinite mottled," and it says, "MAR alteration"; do you see that? A. That's what it says. Q. And you would that serpentinite can include asbestos fibers, correct? MR. PROST: Object to form. A. I'm sorry. I didn't hear the first part. Q. (By Ms. O'Dell) Serpentinite A. Yes. Q can include asbestos fibers, true? A. If the source material is of the right composition and the right type of metamorphosis occurs, that can be the case, but that's not the case with the mines that we're discussing. Q. You've not reviewed the core that was	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. I assume that's serpentinite. Would you agree with me on that? A. Would I. Q. And it says that at hole number 2, there is 6 percent serpentinite; did I read that correctly? A. I'm not exactly sure what the reference of the 6 is. I would agree that it says "6" under the column of "Serpentinite." Q. And to the right, it says "serpentinite"; do you see that? A. That's with it looks like, yes. Q. And you go on down the column for serpentinite, you'll see that you've got a number of different holes that reference a certain percentage of serpentinite night ranging from 2 percent to 6 percent, correct? A. The numbers in the column under certify pen tine range the numbers under the column labeled "SERP," which seems to indicate
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	And then, again, at 83 feet to 87.4 is "serpentinite partially altered"; do you see A. Yes. Q. And then from 127 to 139.3, serpentinite mottled," and it says, "MAR alteration"; do you see that? A. That's what it says. Q. And you would that serpentinite can include asbestos fibers, correct? MR. PROST: Object to form. A. I'm sorry. I didn't hear the first part. Q. (By Ms. O'Dell) Serpentinite A. Yes. Q can include asbestos fibers, true? A. If the source material is of the right composition and the right type of metamorphosis occurs, that can be the case, but that's not the case with the mines that we're discussing. Q. You've not reviewed the core that was being noted in the core log we're looking at, have	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. I assume that's serpentinite. Would you agree with me on that? A. Would I. Q. And it says that at hole number 2, there is 6 percent serpentinite; did I read that correctly? A. I'm not exactly sure what the reference of the 6 is. I would agree that it says "6" under the column of "Serpentinite." Q. And to the right, it says "serpentinite"; do you see that? A. That's with it looks like, yes. Q. And you go on down the column for serpentinite, you'll see that you've got a number of different holes that reference a certain percentage of serpentinite night ranging from 2 percent to 6 percent, correct? A. The numbers in the column under certify pen tine range the numbers under the column labeled "SERP," which seems to indicate serpentinite, those numbers range from 2 to 6.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	And then, again, at 83 feet to 87.4 is "serpentinite partially altered"; do you see A. Yes. Q. And then from 127 to 139.3, serpentinite mottled," and it says, "MAR alteration"; do you see that? A. That's what it says. Q. And you would that serpentinite can include asbestos fibers, correct? MR. PROST: Object to form. A. I'm sorry. I didn't hear the first part. Q. (By Ms. O'Dell) Serpentinite A. Yes. Q can include asbestos fibers, true? A. If the source material is of the right composition and the right type of metamorphosis occurs, that can be the case, but that's not the case with the mines that we're discussing. Q. You've not reviewed the core that was being noted in the core log we're looking at, have you, sir? You have not reviewed the core that's	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. I assume that's serpentinite. Would you agree with me on that? A. Would I. Q. And it says that at hole number 2, there is 6 percent serpentinite; did I read that correctly? A. I'm not exactly sure what the reference of the 6 is. I would agree that it says "6" under the column of "Serpentinite." Q. And to the right, it says "serpentinite"; do you see that? A. That's with it looks like, yes. Q. And you go on down the column for serpentinite, you'll see that you've got a number of different holes that reference a certain percentage of serpentinite night ranging from 2 percent to 6 percent, correct? A. The numbers in the column under certify pen tine range the numbers under the column labeled "SERP," which seems to indicate serpentinite, those numbers range from 2 to 6. Q. I'm going to put that aside, Mr. Downey,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	And then, again, at 83 feet to 87.4 is "serpentinite partially altered"; do you see A. Yes. Q. And then from 127 to 139.3, serpentinite mottled," and it says, "MAR alteration"; do you see that? A. That's what it says. Q. And you would that serpentinite can include asbestos fibers, correct? MR. PROST: Object to form. A. I'm sorry. I didn't hear the first part. Q. (By Ms. O'Dell) Serpentinite A. Yes. Q can include asbestos fibers, true? A. If the source material is of the right composition and the right type of metamorphosis occurs, that can be the case, but that's not the case with the mines that we're discussing. Q. You've not reviewed the core that was being noted in the core log we're looking at, have you, sir? You have not reviewed the core that's being documented in the core log that we have	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. I assume that's serpentinite. Would you agree with me on that? A. Would I. Q. And it says that at hole number 2, there is 6 percent serpentinite; did I read that correctly? A. I'm not exactly sure what the reference of the 6 is. I would agree that it says "6" under the column of "Serpentinite." Q. And to the right, it says "serpentinite"; do you see that? A. That's with it looks like, yes. Q. And you go on down the column for serpentinite, you'll see that you've got a number of different holes that reference a certain percentage of serpentinite night ranging from 2 percent to 6 percent, correct? A. The numbers in the column under certify pen tine range the numbers under the column labeled "SERP," which seems to indicate serpentinite, those numbers range from 2 to 6. Q. I'm going to put that aside, Mr. Downey, and ask you to look at what I'm marking as
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	And then, again, at 83 feet to 87.4 is "serpentinite partially altered"; do you see A. Yes. Q. And then from 127 to 139.3, serpentinite mottled," and it says, "MAR alteration"; do you see that? A. That's what it says. Q. And you would that serpentinite can include asbestos fibers, correct? MR. PROST: Object to form. A. I'm sorry. I didn't hear the first part. Q. (By Ms. O'Dell) Serpentinite A. Yes. Q can include asbestos fibers, true? A. If the source material is of the right composition and the right type of metamorphosis occurs, that can be the case, but that's not the case with the mines that we're discussing. Q. You've not reviewed the core that was being noted in the core log we're looking at, have you, sir? You have not reviewed the core that's	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. I assume that's serpentinite. Would you agree with me on that? A. Would I. Q. And it says that at hole number 2, there is 6 percent serpentinite; did I read that correctly? A. I'm not exactly sure what the reference of the 6 is. I would agree that it says "6" under the column of "Serpentinite." Q. And to the right, it says "serpentinite"; do you see that? A. That's with it looks like, yes. Q. And you go on down the column for serpentinite, you'll see that you've got a number of different holes that reference a certain percentage of serpentinite night ranging from 2 percent to 6 percent, correct? A. The numbers in the column under certify pen tine range the numbers under the column labeled "SERP," which seems to indicate serpentinite, those numbers range from 2 to 6. Q. I'm going to put that aside, Mr. Downey,

14 (Pages 308 to 311)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 16 of 68 PageID: 51707

Patrick Downey

1	Page 312		Page 314
1	(Exhibit 32 was marked for identification.)	1	did I read that correctly?
2	MS. O'DELL: IMERYS 469412.	2	A. Yes.
3	Q. (By Ms. O'Dell) Have you seen this	3	Q. And it goes down from 215 to 240 feet,
4	document before?	4	it says it's serpentine, 220 to 230, ground up, and
5	A. No.	5	then it lost about five feet. Does that mean that
6	Q. This is Argonaut Mine. And this is the	6	part of the core was lost?
7	first and fourth-stage final product comparison to	7	MR. PROST: Object to form.
8	drill samples; do you see that?	8	A. Is it might.
9	A. That's what it says.	9	Q. (By Ms. O'Dell) Is that the little
10	Q. And it is analyzing hole number R-92-1,	10	interpretation of that?
11	at least in the first portion that we're looking at	11	MR. PROST: Same objection.
12	now. And that would be from the first hole drilled	12	A. It's an interpretation, yes.
13	in 1992, correct?	13	Q. (By Ms. O'Dell) Do you disagree with
14	A. That seems fair.	14	me?
15	Q. And if you'll look at depth, 10 feet to	15	A. No, I said it's an interpretation it
16	14 feet. It had dolomite, that's abbreviated here	16	have.
17	as "DOLO," but you would agree with me that's	17	Q. Do you agree with my interpretation?
18	dolomite?	18	MR. PROST: Object to form.
19	A. Yes.	19	A. It can be an interpretation of what that
20		20	-
	Q. And it shows that 33.2 percent, correct?	21	means.
21	A. That's peak area. I don't know if		Q. (By Ms. O'Dell) And then from 274 feet
22	that's percent or not.	22	to 296 feet, it says, "Starting to transition to
23	Q. If it's not percent, what other metric	23	talc high carbonate."
24	would be used, if you know?	24	That would refer to serpentine, correct?
25	A. It says "area." I believe that the	25	MR. PROST: Object to form.
	Page 313		Page 315
1	interpretation of this would be more for Julie	1	A. That's what I believe it to mean, yes.
2	Pier.	2	Q. (By Ms. O'Dell) Did you review this
3	Q. Okay. I'll ask Miss Pier about it.	3	document with Mr. Marek?
4	Let me show you what I'm going to mark as	4	
5			A. I don't recall. I discussed the nature
	Exhibit 33.	5	of it with Mr. Crouse.
6	(Exhibit 33 was marked for identification.)	6	of it with Mr. Crouse. Q. Okay. But you did not review the
7	(Exhibit 33 was marked for identification.) MS. O'DELL: Bates number IMERYS 427428.	6 7	of it with Mr. Crouse.
7 8	(Exhibit 33 was marked for identification.) MS. O'DELL: Bates number IMERYS 427428. Q. (By Ms. O'Dell) Have you seen this	6 7 8	of it with Mr. Crouse. Q. Okay. But you did not review the document itself. Discussed the nature of it. Is that your
7	(Exhibit 33 was marked for identification.) MS. O'DELL: Bates number IMERYS 427428. Q. (By Ms. O'Dell) Have you seen this document before?	6 7 8 9	of it with Mr. Crouse. Q. Okay. But you did not review the document itself. Discussed the nature of it. Is that your A. I'm sorry?
7 8 9 10	(Exhibit 33 was marked for identification.) MS. O'DELL: Bates number IMERYS 427428. Q. (By Ms. O'Dell) Have you seen this document before? A. I know I've seen the first two pages.	6 7 8 9 10	of it with Mr. Crouse. Q. Okay. But you did not review the document itself. Discussed the nature of it. Is that your A. I'm sorry? Q. You did not review the document itself.
7 8 9 10 11	(Exhibit 33 was marked for identification.) MS. O'DELL: Bates number IMERYS 427428. Q. (By Ms. O'Dell) Have you seen this document before? A. I know I've seen the first two pages. And I think I've seen the last two.	6 7 8 9 10	of it with Mr. Crouse. Q. Okay. But you did not review the document itself. Discussed the nature of it. Is that your A. I'm sorry? Q. You did not review the document itself. You discussed the nature of it?
7 8 9 10 11 12	(Exhibit 33 was marked for identification.) MS. O'DELL: Bates number IMERYS 427428. Q. (By Ms. O'Dell) Have you seen this document before? A. I know I've seen the first two pages. And I think I've seen the last two. Q. Okay. You'll see it identifies it	6 7 8 9 10 11	of it with Mr. Crouse. Q. Okay. But you did not review the document itself. Discussed the nature of it. Is that your A. I'm sorry? Q. You did not review the document itself. You discussed the nature of it? A. I believe we discussed the particular
7 8 9 10 11 12 13	(Exhibit 33 was marked for identification.) MS. O'DELL: Bates number IMERYS 427428. Q. (By Ms. O'Dell) Have you seen this document before? A. I know I've seen the first two pages. And I think I've seen the last two. Q. Okay. You'll see it identifies it says "Box," but it's listing the hole number there,	6 7 8 9 10 11 12	of it with Mr. Crouse. Q. Okay. But you did not review the document itself. Discussed the nature of it. Is that your A. I'm sorry? Q. You did not review the document itself. You discussed the nature of it? A. I believe we discussed the particular intervals that you pointed out.
7 8 9 10 11 12	(Exhibit 33 was marked for identification.) MS. O'DELL: Bates number IMERYS 427428. Q. (By Ms. O'Dell) Have you seen this document before? A. I know I've seen the first two pages. And I think I've seen the last two. Q. Okay. You'll see it identifies it says "Box," but it's listing the hole number there, correct?	6 7 8 9 10 11 12 13	of it with Mr. Crouse. Q. Okay. But you did not review the document itself. Discussed the nature of it. Is that your A. I'm sorry? Q. You did not review the document itself. You discussed the nature of it? A. I believe we discussed the particular intervals that you pointed out. Q. That discussed fibers?
7 8 9 10 11 12 13	(Exhibit 33 was marked for identification.) MS. O'DELL: Bates number IMERYS 427428. Q. (By Ms. O'Dell) Have you seen this document before? A. I know I've seen the first two pages. And I think I've seen the last two. Q. Okay. You'll see it identifies it says "Box," but it's listing the hole number there, correct? A. Yes.	6 7 8 9 10 11 12	of it with Mr. Crouse. Q. Okay. But you did not review the document itself. Discussed the nature of it. Is that your A. I'm sorry? Q. You did not review the document itself. You discussed the nature of it? A. I believe we discussed the particular intervals that you pointed out. Q. That discussed fibers? A. Yes, ma'am.
7 8 9 10 11 12 13	(Exhibit 33 was marked for identification.) MS. O'DELL: Bates number IMERYS 427428. Q. (By Ms. O'Dell) Have you seen this document before? A. I know I've seen the first two pages. And I think I've seen the last two. Q. Okay. You'll see it identifies it says "Box," but it's listing the hole number there, correct? A. Yes. Q. And if you'll look down to hole number	6 7 8 9 10 11 12 13	of it with Mr. Crouse. Q. Okay. But you did not review the document itself. Discussed the nature of it. Is that your A. I'm sorry? Q. You did not review the document itself. You discussed the nature of it? A. I believe we discussed the particular intervals that you pointed out. Q. That discussed fibers?
7 8 9 10 11 12 13 14	(Exhibit 33 was marked for identification.) MS. O'DELL: Bates number IMERYS 427428. Q. (By Ms. O'Dell) Have you seen this document before? A. I know I've seen the first two pages. And I think I've seen the last two. Q. Okay. You'll see it identifies it says "Box," but it's listing the hole number there, correct? A. Yes. Q. And if you'll look down to hole number 98.2, you'll see at the depth of 47 to 68 feet that	6 7 8 9 10 11 12 13 14 15	of it with Mr. Crouse. Q. Okay. But you did not review the document itself. Discussed the nature of it. Is that your A. I'm sorry? Q. You did not review the document itself. You discussed the nature of it? A. I believe we discussed the particular intervals that you pointed out. Q. That discussed fibers? A. Yes, ma'am. Q. And what was your discussion with Mr. Crouse?
7 8 9 10 11 12 13 14 15	(Exhibit 33 was marked for identification.) MS. O'DELL: Bates number IMERYS 427428. Q. (By Ms. O'Dell) Have you seen this document before? A. I know I've seen the first two pages. And I think I've seen the last two. Q. Okay. You'll see it identifies it says "Box," but it's listing the hole number there, correct? A. Yes. Q. And if you'll look down to hole number 98.2, you'll see at the depth of 47 to 68 feet that the geologist noted serpentinite, several ground-up	6 7 8 9 10 11 12 13 14 15 16	of it with Mr. Crouse. Q. Okay. But you did not review the document itself. Discussed the nature of it. Is that your A. I'm sorry? Q. You did not review the document itself. You discussed the nature of it? A. I believe we discussed the particular intervals that you pointed out. Q. That discussed fibers? A. Yes, ma'am. Q. And what was your discussion with
7 8 9 10 11 12 13 14 15 16 17	(Exhibit 33 was marked for identification.) MS. O'DELL: Bates number IMERYS 427428. Q. (By Ms. O'Dell) Have you seen this document before? A. I know I've seen the first two pages. And I think I've seen the last two. Q. Okay. You'll see it identifies it says "Box," but it's listing the hole number there, correct? A. Yes. Q. And if you'll look down to hole number 98.2, you'll see at the depth of 47 to 68 feet that the geologist noted serpentinite, several ground-up zones at 53 feet approximately 2 inches of long,	6 7 8 9 10 11 12 13 14 15 16 17	of it with Mr. Crouse. Q. Okay. But you did not review the document itself. Discussed the nature of it. Is that your A. I'm sorry? Q. You did not review the document itself. You discussed the nature of it? A. I believe we discussed the particular intervals that you pointed out. Q. That discussed fibers? A. Yes, ma'am. Q. And what was your discussion with Mr. Crouse?
7 8 9 10 11 12 13 14 15 16 17	(Exhibit 33 was marked for identification.) MS. O'DELL: Bates number IMERYS 427428. Q. (By Ms. O'Dell) Have you seen this document before? A. I know I've seen the first two pages. And I think I've seen the last two. Q. Okay. You'll see it identifies it says "Box," but it's listing the hole number there, correct? A. Yes. Q. And if you'll look down to hole number 98.2, you'll see at the depth of 47 to 68 feet that the geologist noted serpentinite, several ground-up	6 7 8 9 10 11 12 13 14 15 16 17	of it with Mr. Crouse. Q. Okay. But you did not review the document itself. Discussed the nature of it. Is that your A. I'm sorry? Q. You did not review the document itself. You discussed the nature of it? A. I believe we discussed the particular intervals that you pointed out. Q. That discussed fibers? A. Yes, ma'am. Q. And what was your discussion with Mr. Crouse? A. I wanted to learn about the nature of
7 8 9 10 11 12 13 14 15 16 17 18	(Exhibit 33 was marked for identification.) MS. O'DELL: Bates number IMERYS 427428. Q. (By Ms. O'Dell) Have you seen this document before? A. I know I've seen the first two pages. And I think I've seen the last two. Q. Okay. You'll see it identifies it says "Box," but it's listing the hole number there, correct? A. Yes. Q. And if you'll look down to hole number 98.2, you'll see at the depth of 47 to 68 feet that the geologist noted serpentinite, several ground-up zones at 53 feet approximately 2 inches of long,	6 7 8 9 10 11 12 13 14 15 16 17 18	of it with Mr. Crouse. Q. Okay. But you did not review the document itself. Discussed the nature of it. Is that your A. I'm sorry? Q. You did not review the document itself. You discussed the nature of it? A. I believe we discussed the particular intervals that you pointed out. Q. That discussed fibers? A. Yes, ma'am. Q. And what was your discussion with Mr. Crouse? A. I wanted to learn about the nature of what was logged as well as, spatially, where it's
7 8 9 10 11 12 13 14 15 16 17 18 19 20	(Exhibit 33 was marked for identification.) MS. O'DELL: Bates number IMERYS 427428. Q. (By Ms. O'Dell) Have you seen this document before? A. I know I've seen the first two pages. And I think I've seen the last two. Q. Okay. You'll see it identifies it says "Box," but it's listing the hole number there, correct? A. Yes. Q. And if you'll look down to hole number 98.2, you'll see at the depth of 47 to 68 feet that the geologist noted serpentinite, several ground-up zones at 53 feet approximately 2 inches of long, soft fibers, 40 degrees to core. And then he says	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	of it with Mr. Crouse. Q. Okay. But you did not review the document itself. Discussed the nature of it. Is that your A. I'm sorry? Q. You did not review the document itself. You discussed the nature of it? A. I believe we discussed the particular intervals that you pointed out. Q. That discussed fibers? A. Yes, ma'am. Q. And what was your discussion with Mr. Crouse? A. I wanted to learn about the nature of what was logged as well as, spatially, where it's located.
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	(Exhibit 33 was marked for identification.) MS. O'DELL: Bates number IMERYS 427428. Q. (By Ms. O'Dell) Have you seen this document before? A. I know I've seen the first two pages. And I think I've seen the last two. Q. Okay. You'll see it identifies it says "Box," but it's listing the hole number there, correct? A. Yes. Q. And if you'll look down to hole number 98.2, you'll see at the depth of 47 to 68 feet that the geologist noted serpentinite, several ground-up zones at 53 feet approximately 2 inches of long, soft fibers, 40 degrees to core. And then he says also at 58 feet, referring to the fibers.	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	of it with Mr. Crouse. Q. Okay. But you did not review the document itself. Discussed the nature of it. Is that your A. I'm sorry? Q. You did not review the document itself. You discussed the nature of it? A. I believe we discussed the particular intervals that you pointed out. Q. That discussed fibers? A. Yes, ma'am. Q. And what was your discussion with Mr. Crouse? A. I wanted to learn about the nature of what was logged as well as, spatially, where it's located. Q. Still in the same exhibit.
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	(Exhibit 33 was marked for identification.) MS. O'DELL: Bates number IMERYS 427428. Q. (By Ms. O'Dell) Have you seen this document before? A. I know I've seen the first two pages. And I think I've seen the last two. Q. Okay. You'll see it identifies it says "Box," but it's listing the hole number there, correct? A. Yes. Q. And if you'll look down to hole number 98.2, you'll see at the depth of 47 to 68 feet that the geologist noted serpentinite, several ground-up zones at 53 feet approximately 2 inches of long, soft fibers, 40 degrees to core. And then he says also at 58 feet, referring to the fibers. Have you seen that before?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	of it with Mr. Crouse. Q. Okay. But you did not review the document itself. Discussed the nature of it. Is that your A. I'm sorry? Q. You did not review the document itself. You discussed the nature of it? A. I believe we discussed the particular intervals that you pointed out. Q. That discussed fibers? A. Yes, ma'am. Q. And what was your discussion with Mr. Crouse? A. I wanted to learn about the nature of what was logged as well as, spatially, where it's located. Q. Still in the same exhibit. A. What page are we on?

15 (Pages 312 to 315)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 17 of 68 PageID: 51708

Patrick Downey

	Page 316		Page 318
1	R98.	1	A. Yes.
2	A. Okay.	2	Q. "Therefore, it was submitted for PLM
3	Q. Are you aware, Mr. Downey, that material	3	analysis to confirm and determine approximate
4	taken from R98-9 tested positive for tremolite?	4	quantity of tremolite"; did I read that correctly?
5	MR. PROST: Object to form.	5	A. Yes.
6	A. I don't know.	6	Q. "Results." It says, "It was confirmed
7	Q. (By Ms. O'Dell) You hadn't been told	7	that tremolite was present in the sample and was
8	that?	8	roughly approximated to be 4 percent."
9	A. I don't recall.	9	And that would be 4 percent of the sample,
10	Q. Would that be something you'd remember?	10	true?
11	If somebody told you that drill cores from a core	11	A. That's what I believe, yes.
12	log that you reviewed had tested positive for	12	Q. Mr. Crouse did not mention to you that
13	tremolite, it's something you'd be likely to	13	test result, did he, sir?
14	remember?	14	A. No.
15	MR. PROST: Object to form.	15	Q. I ask you to
16	A. I've reviewed a lot of remember. What I	16	(Exhibit 35 was marked for identification.)
17	remember, I don't know.	17	Q. (By Ms. O'Dell) Let me ask you to look
18	Q. (By Ms. O'Dell) Okay. So see, we're on	18	at Exhibit 35. It is IMERYS 426677.
19	drill hole 98-9, R98-9. Let me show you what I'm	19	Front page also relates to cores that were
20	marking as Exhibit 34.	20	drilled in 1998, correct?
21	(Exhibit 34 was marked for identification.)	21	A. Yes.
22	MS. O'DELL: It's IMERYS 499264.	22	Q. And I'll ask you to turn over sorry.
23	Q. (By Ms. O'Dell) Have you seen this	23	Lost the page. Be there in just a moment. To page
24	document before?	24	Bates number 683. And this map plots out the
25	A. I don't recall.	25	location of certain cores that were drilled at
	Page 317		Page 319
1	Q. Did Mr. Crouse discuss this document	1	Argonaut, correct? R19 excuse me. R92-1
2	with you?	2	-
			or 4, R92-5. And do you see 12-R-73? Do you see
3	A. I don't think I discussed this with him	3	or 4, R92-5. And do you see 12-R-73? Do you see that?
3 4	A. I don't think I discussed this with him in my phone call of a week or so ago.		•
	in my phone call of a week or so ago.	3	that? A. Yes.
4		3 4	that?
4 5	in my phone call of a week or so ago. Q. This is a technical report. It's dated	3 4 5	that? A. Yes. Q. And does that appear to be this is a
4 5 6	in my phone call of a week or so ago. Q. This is a technical report. It's dated March 31st, 2003; do you see that?	3 4 5 6	that? A. Yes. Q. And does that appear to be this is a map where certain core drill holes had been charted
4 5 6 7	in my phone call of a week or so ago. Q. This is a technical report. It's dated March 31st, 2003; do you see that? A. Yes.	3 4 5 6 7	that? A. Yes. Q. And does that appear to be this is a map where certain core drill holes had been charted so you can determine where they appear, actually,
4 5 6 7 8	in my phone call of a week or so ago. Q. This is a technical report. It's dated March 31st, 2003; do you see that? A. Yes. Q. And it is a PLM analysis of Argonaut	3 4 5 6 7 8	that? A. Yes. Q. And does that appear to be this is a map where certain core drill holes had been charted so you can determine where they appear, actually, in the mine itself, true?
4 5 6 7 8 9	in my phone call of a week or so ago. Q. This is a technical report. It's dated March 31st, 2003; do you see that? A. Yes. Q. And it is a PLM analysis of Argonaut drilling sample; do you see that?	3 4 5 6 7 8	that? A. Yes. Q. And does that appear to be this is a map where certain core drill holes had been charted so you can determine where they appear, actually, in the mine itself, true? A. It shows their location, yes.
4 5 6 7 8 9	in my phone call of a week or so ago. Q. This is a technical report. It's dated March 31st, 2003; do you see that? A. Yes. Q. And it is a PLM analysis of Argonaut drilling sample; do you see that? A. Yes.	3 4 5 6 7 8 9	that? A. Yes. Q. And does that appear to be this is a map where certain core drill holes had been charted so you can determine where they appear, actually, in the mine itself, true? A. It shows their location, yes. Q. And that's one of the tools that a
4 5 6 7 8 9 10	in my phone call of a week or so ago. Q. This is a technical report. It's dated March 31st, 2003; do you see that? A. Yes. Q. And it is a PLM analysis of Argonaut drilling sample; do you see that? A. Yes. Q. And this was actually sent to	3 4 5 6 7 8 9 10	that? A. Yes. Q. And does that appear to be this is a map where certain core drill holes had been charted so you can determine where they appear, actually, in the mine itself, true? A. It shows their location, yes. Q. And that's one of the tools that a geologist would use in order to determine where
4 5 6 7 8 9 10 11	in my phone call of a week or so ago. Q. This is a technical report. It's dated March 31st, 2003; do you see that? A. Yes. Q. And it is a PLM analysis of Argonaut drilling sample; do you see that? A. Yes. Q. And this was actually sent to Mr. Crouse, who you spoke with?	3 4 5 6 7 8 9 10 11	that? A. Yes. Q. And does that appear to be this is a map where certain core drill holes had been charted so you can determine where they appear, actually, in the mine itself, true? A. It shows their location, yes. Q. And that's one of the tools that a geologist would use in order to determine where they are in a particular deposit and in order to
4 5 6 7 8 9 10 11 12 13	in my phone call of a week or so ago. Q. This is a technical report. It's dated March 31st, 2003; do you see that? A. Yes. Q. And it is a PLM analysis of Argonaut drilling sample; do you see that? A. Yes. Q. And this was actually sent to Mr. Crouse, who you spoke with? A. Yes.	3 4 5 6 7 8 9 10 11 12	A. Yes. Q. And does that appear to be this is a map where certain core drill holes had been charted so you can determine where they appear, actually, in the mine itself, true? A. It shows their location, yes. Q. And that's one of the tools that a geologist would use in order to determine where they are in a particular deposit and in order to make decisions about how to approach the mining of
4 5 6 7 8 9 10 11 12 13 14	in my phone call of a week or so ago. Q. This is a technical report. It's dated March 31st, 2003; do you see that? A. Yes. Q. And it is a PLM analysis of Argonaut drilling sample; do you see that? A. Yes. Q. And this was actually sent to Mr. Crouse, who you spoke with? A. Yes. Q. And "PLM" stands for polarized light	3 4 5 6 7 8 9 10 11 12 13 14	A. Yes. Q. And does that appear to be this is a map where certain core drill holes had been charted so you can determine where they appear, actually, in the mine itself, true? A. It shows their location, yes. Q. And that's one of the tools that a geologist would use in order to determine where they are in a particular deposit and in order to make decisions about how to approach the mining of that particular portion of the mine, correct?
4 5 6 7 8 9 10 11 12 13 14 15	in my phone call of a week or so ago. Q. This is a technical report. It's dated March 31st, 2003; do you see that? A. Yes. Q. And it is a PLM analysis of Argonaut drilling sample; do you see that? A. Yes. Q. And this was actually sent to Mr. Crouse, who you spoke with? A. Yes. Q. And "PLM" stands for polarized light microscope, correct?	3 4 5 6 7 8 9 10 11 12 13 14 15	that? A. Yes. Q. And does that appear to be this is a map where certain core drill holes had been charted so you can determine where they appear, actually, in the mine itself, true? A. It shows their location, yes. Q. And that's one of the tools that a geologist would use in order to determine where they are in a particular deposit and in order to make decisions about how to approach the mining of that particular portion of the mine, correct? A. Yes. It gives you spatial information.
4 5 6 7 8 9 10 11 12 13 14 15 16	in my phone call of a week or so ago. Q. This is a technical report. It's dated March 31st, 2003; do you see that? A. Yes. Q. And it is a PLM analysis of Argonaut drilling sample; do you see that? A. Yes. Q. And this was actually sent to Mr. Crouse, who you spoke with? A. Yes. Q. And "PLM" stands for polarized light microscope, correct? A. Microscopy.	3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. Q. And does that appear to be this is a map where certain core drill holes had been charted so you can determine where they appear, actually, in the mine itself, true? A. It shows their location, yes. Q. And that's one of the tools that a geologist would use in order to determine where they are in a particular deposit and in order to make decisions about how to approach the mining of that particular portion of the mine, correct? A. Yes. It gives you spatial information. (Exhibit 36 was marked for identification.)
4 5 6 7 8 9 10 11 12 13 14 15 16 17	in my phone call of a week or so ago. Q. This is a technical report. It's dated March 31st, 2003; do you see that? A. Yes. Q. And it is a PLM analysis of Argonaut drilling sample; do you see that? A. Yes. Q. And this was actually sent to Mr. Crouse, who you spoke with? A. Yes. Q. And "PLM" stands for polarized light microscope, correct? A. Microscopy. Q. Okay. The request was, "Argonaut	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	that? A. Yes. Q. And does that appear to be this is a map where certain core drill holes had been charted so you can determine where they appear, actually, in the mine itself, true? A. It shows their location, yes. Q. And that's one of the tools that a geologist would use in order to determine where they are in a particular deposit and in order to make decisions about how to approach the mining of that particular portion of the mine, correct? A. Yes. It gives you spatial information. (Exhibit 36 was marked for identification.) Q. (By Ms. O'Dell) Let me show you what
4 5 6 7 8 9 10 11 12 13 14 15 16 17	in my phone call of a week or so ago. Q. This is a technical report. It's dated March 31st, 2003; do you see that? A. Yes. Q. And it is a PLM analysis of Argonaut drilling sample; do you see that? A. Yes. Q. And this was actually sent to Mr. Crouse, who you spoke with? A. Yes. Q. And "PLM" stands for polarized light microscope, correct? A. Microscopy. Q. Okay. The request was, "Argonaut historical or development drilling sample 1261 from	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. And does that appear to be this is a map where certain core drill holes had been charted so you can determine where they appear, actually, in the mine itself, true? A. It shows their location, yes. Q. And that's one of the tools that a geologist would use in order to determine where they are in a particular deposit and in order to make decisions about how to approach the mining of that particular portion of the mine, correct? A. Yes. It gives you spatial information. (Exhibit 36 was marked for identification.) Q. (By Ms. O'Dell) Let me show you what I've marked as Exhibit 36. MS. O'DELL: It is Bates number 499366. Q. Have you seen this document before?
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	in my phone call of a week or so ago. Q. This is a technical report. It's dated March 31st, 2003; do you see that? A. Yes. Q. And it is a PLM analysis of Argonaut drilling sample; do you see that? A. Yes. Q. And this was actually sent to Mr. Crouse, who you spoke with? A. Yes. Q. And "PLM" stands for polarized light microscope, correct? A. Microscopy. Q. Okay. The request was, "Argonaut historical or development drilling sample 1261 from drill hole R98-9," and that was the core log we	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. And does that appear to be this is a map where certain core drill holes had been charted so you can determine where they appear, actually, in the mine itself, true? A. It shows their location, yes. Q. And that's one of the tools that a geologist would use in order to determine where they are in a particular deposit and in order to make decisions about how to approach the mining of that particular portion of the mine, correct? A. Yes. It gives you spatial information. (Exhibit 36 was marked for identification.) Q. (By Ms. O'Dell) Let me show you what I've marked as Exhibit 36. MS. O'DELL: It is Bates number 499366.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	in my phone call of a week or so ago. Q. This is a technical report. It's dated March 31st, 2003; do you see that? A. Yes. Q. And it is a PLM analysis of Argonaut drilling sample; do you see that? A. Yes. Q. And this was actually sent to Mr. Crouse, who you spoke with? A. Yes. Q. And "PLM" stands for polarized light microscope, correct? A. Microscopy. Q. Okay. The request was, "Argonaut historical or development drilling sample 1261 from drill hole R98-9," and that was the core log we were just looking at related to drill hole R98-9,	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. And does that appear to be this is a map where certain core drill holes had been charted so you can determine where they appear, actually, in the mine itself, true? A. It shows their location, yes. Q. And that's one of the tools that a geologist would use in order to determine where they are in a particular deposit and in order to make decisions about how to approach the mining of that particular portion of the mine, correct? A. Yes. It gives you spatial information. (Exhibit 36 was marked for identification.) Q. (By Ms. O'Dell) Let me show you what I've marked as Exhibit 36. MS. O'DELL: It is Bates number 499366. Q. Have you seen this document before?
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	in my phone call of a week or so ago. Q. This is a technical report. It's dated March 31st, 2003; do you see that? A. Yes. Q. And it is a PLM analysis of Argonaut drilling sample; do you see that? A. Yes. Q. And this was actually sent to Mr. Crouse, who you spoke with? A. Yes. Q. And "PLM" stands for polarized light microscope, correct? A. Microscopy. Q. Okay. The request was, "Argonaut historical or development drilling sample 1261 from drill hole R98-9," and that was the core log we were just looking at related to drill hole R98-9, correct?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. And does that appear to be this is a map where certain core drill holes had been charted so you can determine where they appear, actually, in the mine itself, true? A. It shows their location, yes. Q. And that's one of the tools that a geologist would use in order to determine where they are in a particular deposit and in order to make decisions about how to approach the mining of that particular portion of the mine, correct? A. Yes. It gives you spatial information. (Exhibit 36 was marked for identification.) Q. (By Ms. O'Dell) Let me show you what I've marked as Exhibit 36. MS. O'DELL: It is Bates number 499366. Q. Have you seen this document before? A. I'm not sure if I have or not.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	in my phone call of a week or so ago. Q. This is a technical report. It's dated March 31st, 2003; do you see that? A. Yes. Q. And it is a PLM analysis of Argonaut drilling sample; do you see that? A. Yes. Q. And this was actually sent to Mr. Crouse, who you spoke with? A. Yes. Q. And "PLM" stands for polarized light microscope, correct? A. Microscopy. Q. Okay. The request was, "Argonaut historical or development drilling sample 1261 from drill hole R98-9," and that was the core log we were just looking at related to drill hole R98-9, correct? A. Yes.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	that? A. Yes. Q. And does that appear to be this is a map where certain core drill holes had been charted so you can determine where they appear, actually, in the mine itself, true? A. It shows their location, yes. Q. And that's one of the tools that a geologist would use in order to determine where they are in a particular deposit and in order to make decisions about how to approach the mining of that particular portion of the mine, correct? A. Yes. It gives you spatial information. (Exhibit 36 was marked for identification.) Q. (By Ms. O'Dell) Let me show you what I've marked as Exhibit 36. MS. O'DELL: It is Bates number 499366. Q. Have you seen this document before? A. I'm not sure if I have or not. (Document reviewed.)

16 (Pages 316 to 319)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 18 of 68 PageID: 51709

Patrick Downey

	Page 320		Page 322
1	Q. Argonaut Mine. It was drilled	1	MR. SILVER: Object to form.
2	July 15th, 2002, correct?	2	A. Actinolite is an amphibole mineral.
3	A. Yes.	3	Much more commonly it's in the nonasbestos habit.
4	Q. And at the 43.8-to-63-foot mark, the	4	In the asbestos habit, it's actinolite asbestos.
5	geologist notes, "schist biotite plagioclase garnet	5	Q. (By Ms. O'Dell) And actinolite can be
6	4.5 actinolite needles"; do you see that?	6	asbestos. It can be non-asbestiform, correct?
7	A. It says 45.0 for actinolite needles.	7	A. More commonly, it's non-asbestiform.
8	Q. Yes.	8	Q. That's not my question, though. I
9	A. I see that there.	9	didn't ask you if it was more common.
10	Q. And that would be notating actinolite	10	I'm asking you, can it be asbestos or
11	needles at the 45-foot mark, correct?	11	nonasbestos? That's true?
12	A. That's what it says.	12	A. It depends on the morphology of the
13	Q. Prior to seeing this document this	13	crystal habit.
14	morning, Mr. Downey, were you aware that actinolite	14	Q. So the answer to my question was yes, it
15	needles had been found in Argonaut in 2002?	15	can be asbestos or nonasbestos?
16	A. No.	16	A. The answer is, it depends.
			-
17 18	Q. And if you'll look below that, adjacent to, right next to, the actinolite needles, you find	17 18	Q. Fair enough. But it can be one or the other, true?
			•
19	talc carbonate; do you see that?	19	A. Depending on the morphology
20	A. Yes.	20	Q. Yes?
21	Q. If you'll turn over to page 5 in the	21	A of the crystals.
22	document this was produced to us as a native	22	Q. Correct.
23	file, so we've put the beginning Bates at the	23	And so my point being, would you agree with
24	beginning, but it doesn't really have page	24	me that actinolite can be asbestos?
25	numbers you'll see hole number, just to	25	A. It depends.
	Page 321		Page 323
1	reference it, 2002, and it's hole number 2. Are we	1	Q. That's a yes or no. It's either
2	on the same page? Hole number 2.	2	
3			impossible or it's possible.
	A. Maybe I miscounted.	3	And I'm asking you, from your knowledge as a
4	Q. Are we together?	3 4	And I'm asking you, from your knowledge as a person who's been in the mining business for a long
4 5	·		And I'm asking you, from your knowledge as a person who's been in the mining business for a long time, isn't it true your understanding is that
	Q. Are we together?	4	And I'm asking you, from your knowledge as a person who's been in the mining business for a long
5	Q. Are we together? A. I'm on 2002-02, yes.	4 5	And I'm asking you, from your knowledge as a person who's been in the mining business for a long time, isn't it true your understanding is that
5 6	Q. Are we together?A. I'm on 2002-02, yes.Q. Okay. So this was hole number 2 that	4 5 6	And I'm asking you, from your knowledge as a person who's been in the mining business for a long time, isn't it true your understanding is that actinolite can be fibrous, in other words, a type
5 6 7	Q. Are we together? A. I'm on 2002-02, yes. Q. Okay. So this was hole number 2 that was drilled in 2002 at the Argonaut Mine, correct?	4 5 6 7	And I'm asking you, from your knowledge as a person who's been in the mining business for a long time, isn't it true your understanding is that actinolite can be fibrous, in other words, a type of asbestos?
5 6 7 8	Q. Are we together?A. I'm on 2002-02, yes.Q. Okay. So this was hole number 2 that was drilled in 2002 at the Argonaut Mine, correct?A. Yes.	4 5 6 7 8	And I'm asking you, from your knowledge as a person who's been in the mining business for a long time, isn't it true your understanding is that actinolite can be fibrous, in other words, a type of asbestos? MR. PROST: Object to form.
5 6 7 8 9	Q. Are we together? A. I'm on 2002-02, yes. Q. Okay. So this was hole number 2 that was drilled in 2002 at the Argonaut Mine, correct? A. Yes. Q. And at the 193-to-194-foot mark, the	4 5 6 7 8 9	And I'm asking you, from your knowledge as a person who's been in the mining business for a long time, isn't it true your understanding is that actinolite can be fibrous, in other words, a type of asbestos? MR. PROST: Object to form. Q. (By Ms. O'Dell) Yes or no?
5 6 7 8 9	Q. Are we together? A. I'm on 2002-02, yes. Q. Okay. So this was hole number 2 that was drilled in 2002 at the Argonaut Mine, correct? A. Yes. Q. And at the 193-to-194-foot mark, the geologist notes "massive actinolite and steatite	4 5 6 7 8 9	And I'm asking you, from your knowledge as a person who's been in the mining business for a long time, isn't it true your understanding is that actinolite can be fibrous, in other words, a type of asbestos? MR. PROST: Object to form. Q. (By Ms. O'Dell) Yes or no? A. It depends. Q. Yes or no? A. No, it depends.
5 6 7 8 9 10 11	Q. Are we together? A. I'm on 2002-02, yes. Q. Okay. So this was hole number 2 that was drilled in 2002 at the Argonaut Mine, correct? A. Yes. Q. And at the 193-to-194-foot mark, the geologist notes "massive actinolite and steatite chill zone"; do you see that?	4 5 6 7 8 9 10	And I'm asking you, from your knowledge as a person who's been in the mining business for a long time, isn't it true your understanding is that actinolite can be fibrous, in other words, a type of asbestos? MR. PROST: Object to form. Q. (By Ms. O'Dell) Yes or no? A. It depends. Q. Yes or no? A. No, it depends. Q. There's no question "it depends."
5 6 7 8 9 10 11 12	Q. Are we together? A. I'm on 2002-02, yes. Q. Okay. So this was hole number 2 that was drilled in 2002 at the Argonaut Mine, correct? A. Yes. Q. And at the 193-to-194-foot mark, the geologist notes "massive actinolite and steatite chill zone"; do you see that? A. Yes.	4 5 6 7 8 9 10 11	And I'm asking you, from your knowledge as a person who's been in the mining business for a long time, isn't it true your understanding is that actinolite can be fibrous, in other words, a type of asbestos? MR. PROST: Object to form. Q. (By Ms. O'Dell) Yes or no? A. It depends. Q. Yes or no? A. No, it depends.
5 6 7 8 9 10 11 12 13	Q. Are we together? A. I'm on 2002-02, yes. Q. Okay. So this was hole number 2 that was drilled in 2002 at the Argonaut Mine, correct? A. Yes. Q. And at the 193-to-194-foot mark, the geologist notes "massive actinolite and steatite chill zone"; do you see that? A. Yes. Q. No one made you aware of that before	4 5 6 7 8 9 10 11 12 13	And I'm asking you, from your knowledge as a person who's been in the mining business for a long time, isn't it true your understanding is that actinolite can be fibrous, in other words, a type of asbestos? MR. PROST: Object to form. Q. (By Ms. O'Dell) Yes or no? A. It depends. Q. Yes or no? A. No, it depends. Q. There's no question "it depends." You look at it under the microscope, do other things, but the question is, as a fact, can
5 6 7 8 9 10 11 12 13 14	Q. Are we together? A. I'm on 2002-02, yes. Q. Okay. So this was hole number 2 that was drilled in 2002 at the Argonaut Mine, correct? A. Yes. Q. And at the 193-to-194-foot mark, the geologist notes "massive actinolite and steatite chill zone"; do you see that? A. Yes. Q. No one made you aware of that before today, correct? A. Correct. Q. If you'll turn I think it's about six	4 5 6 7 8 9 10 11 12 13 14	And I'm asking you, from your knowledge as a person who's been in the mining business for a long time, isn't it true your understanding is that actinolite can be fibrous, in other words, a type of asbestos? MR. PROST: Object to form. Q. (By Ms. O'Dell) Yes or no? A. It depends. Q. Yes or no? A. No, it depends. Q. There's no question "it depends." You look at it under the microscope, do
5 6 7 8 9 10 11 12 13 14 15	Q. Are we together? A. I'm on 2002-02, yes. Q. Okay. So this was hole number 2 that was drilled in 2002 at the Argonaut Mine, correct? A. Yes. Q. And at the 193-to-194-foot mark, the geologist notes "massive actinolite and steatite chill zone"; do you see that? A. Yes. Q. No one made you aware of that before today, correct? A. Correct.	4 5 6 7 8 9 10 11 12 13 14 15	And I'm asking you, from your knowledge as a person who's been in the mining business for a long time, isn't it true your understanding is that actinolite can be fibrous, in other words, a type of asbestos? MR. PROST: Object to form. Q. (By Ms. O'Dell) Yes or no? A. It depends. Q. Yes or no? A. No, it depends. Q. There's no question "it depends." You look at it under the microscope, do other things, but the question is, as a fact, can actinolite be asbestos? And the answer to that question is yes, isn't it, Mr. Downey?
5 6 7 8 9 10 11 12 13 14 15 16	Q. Are we together? A. I'm on 2002-02, yes. Q. Okay. So this was hole number 2 that was drilled in 2002 at the Argonaut Mine, correct? A. Yes. Q. And at the 193-to-194-foot mark, the geologist notes "massive actinolite and steatite chill zone"; do you see that? A. Yes. Q. No one made you aware of that before today, correct? A. Correct. Q. If you'll turn I think it's about six	4 5 6 7 8 9 10 11 12 13 14 15 16	And I'm asking you, from your knowledge as a person who's been in the mining business for a long time, isn't it true your understanding is that actinolite can be fibrous, in other words, a type of asbestos? MR. PROST: Object to form. Q. (By Ms. O'Dell) Yes or no? A. It depends. Q. Yes or no? A. No, it depends. Q. There's no question "it depends." You look at it under the microscope, do other things, but the question is, as a fact, can actinolite be asbestos? And the answer to that
5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Are we together? A. I'm on 2002-02, yes. Q. Okay. So this was hole number 2 that was drilled in 2002 at the Argonaut Mine, correct? A. Yes. Q. And at the 193-to-194-foot mark, the geologist notes "massive actinolite and steatite chill zone"; do you see that? A. Yes. Q. No one made you aware of that before today, correct? A. Correct. Q. If you'll turn I think it's about six pages over, but what I'm looking at is the core log	4 5 6 7 8 9 10 11 12 13 14 15 16 17	And I'm asking you, from your knowledge as a person who's been in the mining business for a long time, isn't it true your understanding is that actinolite can be fibrous, in other words, a type of asbestos? MR. PROST: Object to form. Q. (By Ms. O'Dell) Yes or no? A. It depends. Q. Yes or no? A. No, it depends. Q. There's no question "it depends." You look at it under the microscope, do other things, but the question is, as a fact, can actinolite be asbestos? And the answer to that question is yes, isn't it, Mr. Downey?
5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Are we together? A. I'm on 2002-02, yes. Q. Okay. So this was hole number 2 that was drilled in 2002 at the Argonaut Mine, correct? A. Yes. Q. And at the 193-to-194-foot mark, the geologist notes "massive actinolite and steatite chill zone"; do you see that? A. Yes. Q. No one made you aware of that before today, correct? A. Correct. Q. If you'll turn I think it's about six pages over, but what I'm looking at is the core log that relates to 2002-11. You'll see and I	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	And I'm asking you, from your knowledge as a person who's been in the mining business for a long time, isn't it true your understanding is that actinolite can be fibrous, in other words, a type of asbestos? MR. PROST: Object to form. Q. (By Ms. O'Dell) Yes or no? A. It depends. Q. Yes or no? A. No, it depends. Q. There's no question "it depends." You look at it under the microscope, do other things, but the question is, as a fact, can actinolite be asbestos? And the answer to that question is yes, isn't it, Mr. Downey? A. Depending on its morphology.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. Are we together? A. I'm on 2002-02, yes. Q. Okay. So this was hole number 2 that was drilled in 2002 at the Argonaut Mine, correct? A. Yes. Q. And at the 193-to-194-foot mark, the geologist notes "massive actinolite and steatite chill zone"; do you see that? A. Yes. Q. No one made you aware of that before today, correct? A. Correct. Q. If you'll turn I think it's about six pages over, but what I'm looking at is the core log that relates to 2002-11. You'll see and I direct your attention, Mr. Downey, to the	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	And I'm asking you, from your knowledge as a person who's been in the mining business for a long time, isn't it true your understanding is that actinolite can be fibrous, in other words, a type of asbestos? MR. PROST: Object to form. Q. (By Ms. O'Dell) Yes or no? A. It depends. Q. Yes or no? A. No, it depends. Q. There's no question "it depends." You look at it under the microscope, do other things, but the question is, as a fact, can actinolite be asbestos? And the answer to that question is yes, isn't it, Mr. Downey? A. Depending on its morphology. Q. Right. But the answer is it can be,
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Are we together? A. I'm on 2002-02, yes. Q. Okay. So this was hole number 2 that was drilled in 2002 at the Argonaut Mine, correct? A. Yes. Q. And at the 193-to-194-foot mark, the geologist notes "massive actinolite and steatite chill zone"; do you see that? A. Yes. Q. No one made you aware of that before today, correct? A. Correct. Q. If you'll turn I think it's about six pages over, but what I'm looking at is the core log that relates to 2002-11. You'll see and I direct your attention, Mr. Downey, to the 105.5-foot mark, the 117.7. You'll see it says,	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	And I'm asking you, from your knowledge as a person who's been in the mining business for a long time, isn't it true your understanding is that actinolite can be fibrous, in other words, a type of asbestos? MR. PROST: Object to form. Q. (By Ms. O'Dell) Yes or no? A. It depends. Q. Yes or no? A. No, it depends. Q. There's no question "it depends." You look at it under the microscope, do other things, but the question is, as a fact, can actinolite be asbestos? And the answer to that question is yes, isn't it, Mr. Downey? A. Depending on its morphology. Q. Right. But the answer is it can be, true?
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Are we together? A. I'm on 2002-02, yes. Q. Okay. So this was hole number 2 that was drilled in 2002 at the Argonaut Mine, correct? A. Yes. Q. And at the 193-to-194-foot mark, the geologist notes "massive actinolite and steatite chill zone"; do you see that? A. Yes. Q. No one made you aware of that before today, correct? A. Correct. Q. If you'll turn I think it's about six pages over, but what I'm looking at is the core log that relates to 2002-11. You'll see and I direct your attention, Mr. Downey, to the 105.5-foot mark, the 117.7. You'll see it says, "schist chore right biotite actinolite"; did I read	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	And I'm asking you, from your knowledge as a person who's been in the mining business for a long time, isn't it true your understanding is that actinolite can be fibrous, in other words, a type of asbestos? MR. PROST: Object to form. Q. (By Ms. O'Dell) Yes or no? A. It depends. Q. Yes or no? A. No, it depends. Q. There's no question "it depends." You look at it under the microscope, do other things, but the question is, as a fact, can actinolite be asbestos? And the answer to that question is yes, isn't it, Mr. Downey? A. Depending on its morphology. Q. Right. But the answer is it can be, true? A. It can be, depending on its morphology.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Are we together? A. I'm on 2002-02, yes. Q. Okay. So this was hole number 2 that was drilled in 2002 at the Argonaut Mine, correct? A. Yes. Q. And at the 193-to-194-foot mark, the geologist notes "massive actinolite and steatite chill zone"; do you see that? A. Yes. Q. No one made you aware of that before today, correct? A. Correct. Q. If you'll turn I think it's about six pages over, but what I'm looking at is the core log that relates to 2002-11. You'll see and I direct your attention, Mr. Downey, to the 105.5-foot mark, the 117.7. You'll see it says, "schist chore right biotite actinolite"; did I read that correctly?	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	And I'm asking you, from your knowledge as a person who's been in the mining business for a long time, isn't it true your understanding is that actinolite can be fibrous, in other words, a type of asbestos? MR. PROST: Object to form. Q. (By Ms. O'Dell) Yes or no? A. It depends. Q. Yes or no? A. No, it depends. Q. There's no question "it depends." You look at it under the microscope, do other things, but the question is, as a fact, can actinolite be asbestos? And the answer to that question is yes, isn't it, Mr. Downey? A. Depending on its morphology. Q. Right. But the answer is it can be, true? A. It can be, depending on its morphology. Q. So the answer to my question should be

17 (Pages 320 to 323)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 19 of 68 PageID: 51710

Patrick Downey

	Page 324		Page 326
1	A. Depending on its morphology.	1	serpentine in the model; however, we have not
2	(Exhibit 37 was marked for identification.)	2	explored all serpentine exposures in the deposit";
3	Q. (By Ms. O'Dell) Let me show you what	3	did I read that correctly?
4	I'm marking as Exhibit 37. This is Bates number	4	MR. PROST: To be fair, you probably should
5	IMERYS 499485.	5	finish the sentence.
6	Have you seen this document before today?	6	Q. (By Ms. O'Dell) "And if some are used
7	A. It doesn't look familiar.	7	for aggregate production, this may be a liability";
8	Q. And this is a memorandum dated	8	did I read that correctly?
9	September 29, 2006, from David Marek to John	9	A. Yes.
10	Kinneberg; do you see that?	10	Q. And according to Mr. Marek, up to 2
11	A. Yes.	11	percent serpentine has been used in talc products,
12	Q. And Mr. Marek, who you spoke with, is	12	correct?
13	writing about the Argonaut Mine; do you see that?	13	A. That's what he says is in the model.
14	A. Yes.	14	Q. Are you aware, Mr. Downey, that
15	Q. Turn to page 2. Under subsection 2, do	15	chrysotile has been found in material, grade 66
16	you see that, "Asbestos Minerals"?	16	material, mined from the Argonaut Mine?
17	A. Yes.	17	MR. PROST: Object to form.
18	Q. It says it's written by Mr. Marek	18	A. No. My understanding is there hasn't
19	"Although there has been no indication of asbestos	19	been.
20	for minerals in the talc carbonate, there have been	20	Q. (By Ms. O'Dell) And, in fact, you said
21	·	21	yesterday, categorically, chrysotile has never been
	tremolite fibers found in serpentinite bodies	22	
22	within the deposit"; did I read that correctly? A. Yes.	23	found at the Argonaut Mine, true?
		23	A. I believe that's what I said, yes.
24 25	Q. Were you aware of that before I showed	25	Q. Let me show you what I'm marking as Exhibit 38.
25	you this document?		
	Page 325		
			Page 327
1	A. Yes.	1	(Exhibit 38 was marked for identification.)
2	A. Yes. Q. That were you and then I think	2	(Exhibit 38 was marked for identification.) MS. O'DELL: I'm sorry. I only got two
2 3	A. Yes. Q. That were you and then I think we've looked at this. Let me ask you the question	2	(Exhibit 38 was marked for identification.) MS. O'DELL: I'm sorry. I only got two copies of this, so if you want to look on
2 3 4	A. Yes. Q. That were you and then I think we've looked at this. Let me ask you the question again.	2 3 4	(Exhibit 38 was marked for identification.) MS. O'DELL: I'm sorry. I only got two copies of this, so if you want to look on THE WITNESS: There's an extra.
2 3 4 5	A. Yes. Q. That were you and then I think we've looked at this. Let me ask you the question again. Were you aware before you came to your	2 3 4 5	(Exhibit 38 was marked for identification.) MS. O'DELL: I'm sorry. I only got two copies of this, so if you want to look on THE WITNESS: There's an extra. MS. O'DELL: Oh, thank you.
2 3 4 5 6	A. Yes. Q. That were you and then I think we've looked at this. Let me ask you the question again. Were you aware before you came to your deposition today that tremolite had been found in	2 3 4 5 6	(Exhibit 38 was marked for identification.) MS. O'DELL: I'm sorry. I only got two copies of this, so if you want to look on THE WITNESS: There's an extra. MS. O'DELL: Oh, thank you. THE WITNESS: You handed two extra.
2 3 4 5 6 7	A. Yes. Q. That were you and then I think we've looked at this. Let me ask you the question again. Were you aware before you came to your deposition today that tremolite had been found in Argonaut?	2 3 4 5 6 7	(Exhibit 38 was marked for identification.) MS. O'DELL: I'm sorry. I only got two copies of this, so if you want to look on THE WITNESS: There's an extra. MS. O'DELL: Oh, thank you. THE WITNESS: You handed two extra. MS. O'DELL: This is Bates number
2 3 4 5 6 7 8	A. Yes. Q. That were you and then I think we've looked at this. Let me ask you the question again. Were you aware before you came to your deposition today that tremolite had been found in Argonaut? A. I was aware that it was found in drill	2 3 4 5 6 7 8	(Exhibit 38 was marked for identification.) MS. O'DELL: I'm sorry. I only got two copies of this, so if you want to look on THE WITNESS: There's an extra. MS. O'DELL: Oh, thank you. THE WITNESS: You handed two extra. MS. O'DELL: This is Bates number IMERYS 498998.
2 3 4 5 6 7 8 9	A. Yes. Q. That were you and then I think we've looked at this. Let me ask you the question again. Were you aware before you came to your deposition today that tremolite had been found in Argonaut? A. I was aware that it was found in drill hole 98.	2 3 4 5 6 7 8 9	(Exhibit 38 was marked for identification.) MS. O'DELL: I'm sorry. I only got two copies of this, so if you want to look on THE WITNESS: There's an extra. MS. O'DELL: Oh, thank you. THE WITNESS: You handed two extra. MS. O'DELL: This is Bates number IMERYS 498998. Q. (By Ms. O'Dell) Have you seen this
2 3 4 5 6 7 8 9	A. Yes. Q. That were you and then I think we've looked at this. Let me ask you the question again. Were you aware before you came to your deposition today that tremolite had been found in Argonaut? A. I was aware that it was found in drill hole 98. Q. And that's what this says.	2 3 4 5 6 7 8 9	(Exhibit 38 was marked for identification.) MS. O'DELL: I'm sorry. I only got two copies of this, so if you want to look on THE WITNESS: There's an extra. MS. O'DELL: Oh, thank you. THE WITNESS: You handed two extra. MS. O'DELL: This is Bates number IMERYS 498998. Q. (By Ms. O'Dell) Have you seen this document before?
2 3 4 5 6 7 8 9 10	A. Yes. Q. That were you and then I think we've looked at this. Let me ask you the question again. Were you aware before you came to your deposition today that tremolite had been found in Argonaut? A. I was aware that it was found in drill hole 98. Q. And that's what this says. A. Dash 02.	2 3 4 5 6 7 8 9 10	(Exhibit 38 was marked for identification.) MS. O'DELL: I'm sorry. I only got two copies of this, so if you want to look on THE WITNESS: There's an extra. MS. O'DELL: Oh, thank you. THE WITNESS: You handed two extra. MS. O'DELL: This is Bates number IMERYS 498998. Q. (By Ms. O'Dell) Have you seen this document before? A. I believe so.
2 3 4 5 6 7 8 9 10 11	A. Yes. Q. That were you and then I think we've looked at this. Let me ask you the question again. Were you aware before you came to your deposition today that tremolite had been found in Argonaut? A. I was aware that it was found in drill hole 98. Q. And that's what this says. A. Dash 02. Q. "Drill hole 98-02 indicates fibers in	2 3 4 5 6 7 8 9 10 11 12	(Exhibit 38 was marked for identification.) MS. O'DELL: I'm sorry. I only got two copies of this, so if you want to look on THE WITNESS: There's an extra. MS. O'DELL: Oh, thank you. THE WITNESS: You handed two extra. MS. O'DELL: This is Bates number IMERYS 498998. Q. (By Ms. O'Dell) Have you seen this document before? A. I believe so. Q. When did you see it?
2 3 4 5 6 7 8 9 10 11 12 13	A. Yes. Q. That were you and then I think we've looked at this. Let me ask you the question again. Were you aware before you came to your deposition today that tremolite had been found in Argonaut? A. I was aware that it was found in drill hole 98. Q. And that's what this says. A. Dash 02. Q. "Drill hole 98-02 indicates fibers in the core, and closer inspection of the serpentinite	2 3 4 5 6 7 8 9 10 11 12 13	(Exhibit 38 was marked for identification.) MS. O'DELL: I'm sorry. I only got two copies of this, so if you want to look on THE WITNESS: There's an extra. MS. O'DELL: Oh, thank you. THE WITNESS: You handed two extra. MS. O'DELL: This is Bates number IMERYS 498998. Q. (By Ms. O'Dell) Have you seen this document before? A. I believe so. Q. When did you see it? A. I don't recall when.
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yes. Q. That were you and then I think we've looked at this. Let me ask you the question again. Were you aware before you came to your deposition today that tremolite had been found in Argonaut? A. I was aware that it was found in drill hole 98. Q. And that's what this says. A. Dash 02. Q. "Drill hole 98-02 indicates fibers in the core, and closer inspection of the serpentinite on the surface found some samples that were sent to	2 3 4 5 6 7 8 9 10 11 12 13 14	(Exhibit 38 was marked for identification.) MS. O'DELL: I'm sorry. I only got two copies of this, so if you want to look on THE WITNESS: There's an extra. MS. O'DELL: Oh, thank you. THE WITNESS: You handed two extra. MS. O'DELL: This is Bates number IMERYS 498998. Q. (By Ms. O'Dell) Have you seen this document before? A. I believe so. Q. When did you see it? A. I don't recall when. Q. If you'll turn to the fourth page.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Yes. Q. That were you and then I think we've looked at this. Let me ask you the question again. Were you aware before you came to your deposition today that tremolite had been found in Argonaut? A. I was aware that it was found in drill hole 98. Q. And that's what this says. A. Dash 02. Q. "Drill hole 98-02 indicates fibers in the core, and closer inspection of the serpentinite on the surface found some samples that were sent to Denver and confirmed."	2 3 4 5 6 7 8 9 10 11 12 13 14 15	(Exhibit 38 was marked for identification.) MS. O'DELL: I'm sorry. I only got two copies of this, so if you want to look on THE WITNESS: There's an extra. MS. O'DELL: Oh, thank you. THE WITNESS: You handed two extra. MS. O'DELL: This is Bates number IMERYS 498998. Q. (By Ms. O'Dell) Have you seen this document before? A. I believe so. Q. When did you see it? A. I don't recall when. Q. If you'll turn to the fourth page. A. Is there a label? What's it look like?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. Q. That were you and then I think we've looked at this. Let me ask you the question again. Were you aware before you came to your deposition today that tremolite had been found in Argonaut? A. I was aware that it was found in drill hole 98. Q. And that's what this says. A. Dash 02. Q. "Drill hole 98-02 indicates fibers in the core, and closer inspection of the serpentinite on the surface found some samples that were sent to Denver and confirmed." Now, when it says "sent to Denver," that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	(Exhibit 38 was marked for identification.) MS. O'DELL: I'm sorry. I only got two copies of this, so if you want to look on THE WITNESS: There's an extra. MS. O'DELL: Oh, thank you. THE WITNESS: You handed two extra. MS. O'DELL: This is Bates number IMERYS 498998. Q. (By Ms. O'Dell) Have you seen this document before? A. I believe so. Q. When did you see it? A. I don't recall when. Q. If you'll turn to the fourth page. A. Is there a label? What's it look like? Q. It says "4 of 6" at the bottom.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Yes. Q. That were you and then I think we've looked at this. Let me ask you the question again. Were you aware before you came to your deposition today that tremolite had been found in Argonaut? A. I was aware that it was found in drill hole 98. Q. And that's what this says. A. Dash 02. Q. "Drill hole 98-02 indicates fibers in the core, and closer inspection of the serpentinite on the surface found some samples that were sent to Denver and confirmed." Now, when it says "sent to Denver," that means being sent to an Imerys lab in Denver,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	(Exhibit 38 was marked for identification.) MS. O'DELL: I'm sorry. I only got two copies of this, so if you want to look on THE WITNESS: There's an extra. MS. O'DELL: Oh, thank you. THE WITNESS: You handed two extra. MS. O'DELL: This is Bates number IMERYS 498998. Q. (By Ms. O'Dell) Have you seen this document before? A. I believe so. Q. When did you see it? A. I don't recall when. Q. If you'll turn to the fourth page. A. Is there a label? What's it look like? Q. It says "4 of 6" at the bottom. A. "4 of 6," okay.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. Q. That were you and then I think we've looked at this. Let me ask you the question again. Were you aware before you came to your deposition today that tremolite had been found in Argonaut? A. I was aware that it was found in drill hole 98. Q. And that's what this says. A. Dash 02. Q. "Drill hole 98-02 indicates fibers in the core, and closer inspection of the serpentinite on the surface found some samples that were sent to Denver and confirmed." Now, when it says "sent to Denver," that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	(Exhibit 38 was marked for identification.) MS. O'DELL: I'm sorry. I only got two copies of this, so if you want to look on THE WITNESS: There's an extra. MS. O'DELL: Oh, thank you. THE WITNESS: You handed two extra. MS. O'DELL: This is Bates number IMERYS 498998. Q. (By Ms. O'Dell) Have you seen this document before? A. I believe so. Q. When did you see it? A. I don't recall when. Q. If you'll turn to the fourth page. A. Is there a label? What's it look like? Q. It says "4 of 6" at the bottom. A. "4 of 6," okay. Q. Do you see that, "4 of 6"? Are we
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Yes. Q. That were you and then I think we've looked at this. Let me ask you the question again. Were you aware before you came to your deposition today that tremolite had been found in Argonaut? A. I was aware that it was found in drill hole 98. Q. And that's what this says. A. Dash 02. Q. "Drill hole 98-02 indicates fibers in the core, and closer inspection of the serpentinite on the surface found some samples that were sent to Denver and confirmed." Now, when it says "sent to Denver," that means being sent to an Imerys lab in Denver,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	(Exhibit 38 was marked for identification.) MS. O'DELL: I'm sorry. I only got two copies of this, so if you want to look on THE WITNESS: There's an extra. MS. O'DELL: Oh, thank you. THE WITNESS: You handed two extra. MS. O'DELL: This is Bates number IMERYS 498998. Q. (By Ms. O'Dell) Have you seen this document before? A. I believe so. Q. When did you see it? A. I don't recall when. Q. If you'll turn to the fourth page. A. Is there a label? What's it look like? Q. It says "4 of 6" at the bottom. A. "4 of 6," okay. Q. Do you see that, "4 of 6"? Are we together on that page?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. That were you and then I think we've looked at this. Let me ask you the question again. Were you aware before you came to your deposition today that tremolite had been found in Argonaut? A. I was aware that it was found in drill hole 98. Q. And that's what this says. A. Dash 02. Q. "Drill hole 98-02 indicates fibers in the core, and closer inspection of the serpentinite on the surface found some samples that were sent to Denver and confirmed." Now, when it says "sent to Denver," that means being sent to an Imerys lab in Denver, correct? A. Yes. Q. And that's Miss Julie Pier's lab,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	(Exhibit 38 was marked for identification.) MS. O'DELL: I'm sorry. I only got two copies of this, so if you want to look on THE WITNESS: There's an extra. MS. O'DELL: Oh, thank you. THE WITNESS: You handed two extra. MS. O'DELL: This is Bates number IMERYS 498998. Q. (By Ms. O'Dell) Have you seen this document before? A. I believe so. Q. When did you see it? A. I don't recall when. Q. If you'll turn to the fourth page. A. Is there a label? What's it look like? Q. It says "4 of 6" at the bottom. A. "4 of 6," okay. Q. Do you see that, "4 of 6"? Are we
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. That were you and then I think we've looked at this. Let me ask you the question again. Were you aware before you came to your deposition today that tremolite had been found in Argonaut? A. I was aware that it was found in drill hole 98. Q. And that's what this says. A. Dash 02. Q. "Drill hole 98-02 indicates fibers in the core, and closer inspection of the serpentinite on the surface found some samples that were sent to Denver and confirmed." Now, when it says "sent to Denver," that means being sent to an Imerys lab in Denver, correct? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	(Exhibit 38 was marked for identification.) MS. O'DELL: I'm sorry. I only got two copies of this, so if you want to look on THE WITNESS: There's an extra. MS. O'DELL: Oh, thank you. THE WITNESS: You handed two extra. MS. O'DELL: This is Bates number IMERYS 498998. Q. (By Ms. O'Dell) Have you seen this document before? A. I believe so. Q. When did you see it? A. I don't recall when. Q. If you'll turn to the fourth page. A. Is there a label? What's it look like? Q. It says "4 of 6" at the bottom. A. "4 of 6," okay. Q. Do you see that, "4 of 6"? Are we together on that page?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. That were you and then I think we've looked at this. Let me ask you the question again. Were you aware before you came to your deposition today that tremolite had been found in Argonaut? A. I was aware that it was found in drill hole 98. Q. And that's what this says. A. Dash 02. Q. "Drill hole 98-02 indicates fibers in the core, and closer inspection of the serpentinite on the surface found some samples that were sent to Denver and confirmed." Now, when it says "sent to Denver," that means being sent to an Imerys lab in Denver, correct? A. Yes. Q. And that's Miss Julie Pier's lab, correct? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	(Exhibit 38 was marked for identification.) MS. O'DELL: I'm sorry. I only got two copies of this, so if you want to look on THE WITNESS: There's an extra. MS. O'DELL: Oh, thank you. THE WITNESS: You handed two extra. MS. O'DELL: This is Bates number IMERYS 498998. Q. (By Ms. O'Dell) Have you seen this document before? A. I believe so. Q. When did you see it? A. I don't recall when. Q. If you'll turn to the fourth page. A. Is there a label? What's it look like? Q. It says "4 of 6" at the bottom. A. "4 of 6," okay. Q. Do you see that, "4 of 6"? Are we together on that page? A. "4 of 6"?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. That were you and then I think we've looked at this. Let me ask you the question again. Were you aware before you came to your deposition today that tremolite had been found in Argonaut? A. I was aware that it was found in drill hole 98. Q. And that's what this says. A. Dash 02. Q. "Drill hole 98-02 indicates fibers in the core, and closer inspection of the serpentinite on the surface found some samples that were sent to Denver and confirmed." Now, when it says "sent to Denver," that means being sent to an Imerys lab in Denver, correct? A. Yes. Q. And that's Miss Julie Pier's lab, correct? A. Yes. Q. According to Mr. Marek, he says, "This	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	(Exhibit 38 was marked for identification.) MS. O'DELL: I'm sorry. I only got two copies of this, so if you want to look on THE WITNESS: There's an extra. MS. O'DELL: Oh, thank you. THE WITNESS: You handed two extra. MS. O'DELL: This is Bates number IMERYS 498998. Q. (By Ms. O'Dell) Have you seen this document before? A. I believe so. Q. When did you see it? A. I don't recall when. Q. If you'll turn to the fourth page. A. Is there a label? What's it look like? Q. It says "4 of 6" at the bottom. A. "4 of 6," okay. Q. Do you see that, "4 of 6"? Are we together on that page? A. "4 of 6"? Q. Yeah. "4 of 6" on the right-hand side.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. That were you and then I think we've looked at this. Let me ask you the question again. Were you aware before you came to your deposition today that tremolite had been found in Argonaut? A. I was aware that it was found in drill hole 98. Q. And that's what this says. A. Dash 02. Q. "Drill hole 98-02 indicates fibers in the core, and closer inspection of the serpentinite on the surface found some samples that were sent to Denver and confirmed." Now, when it says "sent to Denver," that means being sent to an Imerys lab in Denver, correct? A. Yes. Q. And that's Miss Julie Pier's lab, correct? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	(Exhibit 38 was marked for identification.) MS. O'DELL: I'm sorry. I only got two copies of this, so if you want to look on THE WITNESS: There's an extra. MS. O'DELL: Oh, thank you. THE WITNESS: You handed two extra. MS. O'DELL: This is Bates number IMERYS 498998. Q. (By Ms. O'Dell) Have you seen this document before? A. I believe so. Q. When did you see it? A. I don't recall when. Q. If you'll turn to the fourth page. A. Is there a label? What's it look like? Q. It says "4 of 6" at the bottom. A. "4 of 6," okay. Q. Do you see that, "4 of 6"? Are we together on that page? A. "4 of 6"? Q. Yeah. "4 of 6" on the right-hand side. You're there?

18 (Pages 324 to 327)

	Page 328		Page 330
1	A. I think it's your southern accent that	1	Q. And to be clear, chrysotile fiber or
2	was	2	structure was found in a sample of, essentially,
3	Q. Yeah, I know. It's a curse, but I'm	3	Johnson & Johnson's tale?
4	stuck with it at this point.	4	MR. PROST: Object to form.
5	Okay. So if you'll look at the lower	5	A. No.
6	portion of the page, see, it says, "Float feed	6	Q. (By Ms. O'Dell) Okay. Why is that not
7	September 2002"; do you see that?	7	correct?
8	A. Yes.	8	A. Well, the sampling that you are
9	Q. September 2002, talc for Johnson's Baby	9	referencing is flotation feed. That's not finished
10	Powder and Shower to Shower was still being sourced	10	product. And the column header is "Number of
11	from Argonaut, correct?	11	Structures." And in this particular one, it's
12	A. Yes.	12	structures less than 5 micron. I'd defer to Julie
13	Q. And "float feed" refers to West Windsor	13	Pier to interpret the document further, but it's my
14	and the talc being processed through the float feed	14	understanding that that is not a finding of
15	at West Windsor, correct?	15	chrysotile.
16	A. Yes.	16	Q. It says, "Chrysotile." It talks about
17	Q. And this sample number A02595-1 do	17	structures, and it says, "less than or equal to 5
18	you see that?	18	microns," correct, at the top?
19	A. Yes.	19	A. That's the column header, yes.
20	Q has been examined for both amphibole	20	Q. And it refers to structures. And it
21	and chrysotile; do you see that at the top?	21	says one structure of chrysotile was found in this
22	A. Yes.	22	particular sample, true?
23	Q. And according to this report, chrysotile	23	A. The
24	fiber was identified in this sample, correct?	24	Q. True?
25	MR. PROST: Object to outside the scope.	25	A. The asbestos concentration in the
	Page 329		
			Page 3311
1		1	Page 331
1	MR. SILVER: Wait. We got to be a little	1	next column is BDO, which means below detection
2	MR. SILVER: Wait. We got to be a little more specific than that. It's outside the scope	2	next column is BDO, which means below detection limit.
2 3	MR. SILVER: Wait. We got to be a little more specific than that. It's outside the scope because this is an area for Miss Pier.	2	next column is BDO, which means below detection limit. Q. That's not what my question was.
2 3 4	MR. SILVER: Wait. We got to be a little more specific than that. It's outside the scope because this is an area for Miss Pier. MS. O'DELL: And we're going to ask	2 3 4	next column is BDO, which means below detection limit. Q. That's not what my question was. My question was, one structure of chrysotile
2 3 4 5	MR. SILVER: Wait. We got to be a little more specific than that. It's outside the scope because this is an area for Miss Pier. MS. O'DELL: And we're going to ask Miss Pier about it, but Mr. Downey has testified	2 3 4 5	next column is BDO, which means below detection limit. Q. That's not what my question was. My question was, one structure of chrysotile was found in this sample; is that true?
2 3 4 5 6	MR. SILVER: Wait. We got to be a little more specific than that. It's outside the scope because this is an area for Miss Pier. MS. O'DELL: And we're going to ask Miss Pier about it, but Mr. Downey has testified categorically yesterday, twice, that chrysotile has	2 3 4 5 6	next column is BDO, which means below detection limit. Q. That's not what my question was. My question was, one structure of chrysotile was found in this sample; is that true? MR. PROST: Object to form.
2 3 4 5 6 7	MR. SILVER: Wait. We got to be a little more specific than that. It's outside the scope because this is an area for Miss Pier. MS. O'DELL: And we're going to ask Miss Pier about it, but Mr. Downey has testified categorically yesterday, twice, that chrysotile has never been found at Argonaut. He said that in	2 3 4 5 6 7	next column is BDO, which means below detection limit. Q. That's not what my question was. My question was, one structure of chrysotile was found in this sample; is that true? MR. PROST: Object to form. Q. (By Ms. O'Dell) Is that true, sir?
2 3 4 5 6 7 8	MR. SILVER: Wait. We got to be a little more specific than that. It's outside the scope because this is an area for Miss Pier. MS. O'DELL: And we're going to ask Miss Pier about it, but Mr. Downey has testified categorically yesterday, twice, that chrysotile has never been found at Argonaut. He said that in general, and then he said that in relation to	2 3 4 5 6 7 8	next column is BDO, which means below detection limit. Q. That's not what my question was. My question was, one structure of chrysotile was found in this sample; is that true? MR. PROST: Object to form. Q. (By Ms. O'Dell) Is that true, sir? A. One structure less than 5 microns was
2 3 4 5 6 7 8 9	MR. SILVER: Wait. We got to be a little more specific than that. It's outside the scope because this is an area for Miss Pier. MS. O'DELL: And we're going to ask Miss Pier about it, but Mr. Downey has testified categorically yesterday, twice, that chrysotile has never been found at Argonaut. He said that in general, and then he said that in relation to MR. PROST: That's fine.	2 3 4 5 6 7 8	next column is BDO, which means below detection limit. Q. That's not what my question was. My question was, one structure of chrysotile was found in this sample; is that true? MR. PROST: Object to form. Q. (By Ms. O'Dell) Is that true, sir? A. One structure less than 5 microns was found, but it was below the detection limit.
2 3 4 5 6 7 8 9	MR. SILVER: Wait. We got to be a little more specific than that. It's outside the scope because this is an area for Miss Pier. MS. O'DELL: And we're going to ask Miss Pier about it, but Mr. Downey has testified categorically yesterday, twice, that chrysotile has never been found at Argonaut. He said that in general, and then he said that in relation to MR. PROST: That's fine. MS. O'DELL: Johnson & Johnson's	2 3 4 5 6 7 8 9	next column is BDO, which means below detection limit. Q. That's not what my question was. My question was, one structure of chrysotile was found in this sample; is that true? MR. PROST: Object to form. Q. (By Ms. O'Dell) Is that true, sir? A. One structure less than 5 microns was found, but it was below the detection limit. Q. So the answer to my question is yes, one
2 3 4 5 6 7 8 9 10	MR. SILVER: Wait. We got to be a little more specific than that. It's outside the scope because this is an area for Miss Pier. MS. O'DELL: And we're going to ask Miss Pier about it, but Mr. Downey has testified categorically yesterday, twice, that chrysotile has never been found at Argonaut. He said that in general, and then he said that in relation to MR. PROST: That's fine. MS. O'DELL: Johnson & Johnson's talcum-powder products, and I have a right to	2 3 4 5 6 7 8 9 10	next column is BDO, which means below detection limit. Q. That's not what my question was. My question was, one structure of chrysotile was found in this sample; is that true? MR. PROST: Object to form. Q. (By Ms. O'Dell) Is that true, sir? A. One structure less than 5 microns was found, but it was below the detection limit. Q. So the answer to my question is yes, one structure of chrysotile was found in this sample.
2 3 4 5 6 7 8 9 10 11 12	MR. SILVER: Wait. We got to be a little more specific than that. It's outside the scope because this is an area for Miss Pier. MS. O'DELL: And we're going to ask Miss Pier about it, but Mr. Downey has testified categorically yesterday, twice, that chrysotile has never been found at Argonaut. He said that in general, and then he said that in relation to MR. PROST: That's fine. MS. O'DELL: Johnson & Johnson's talcum-powder products, and I have a right to confront him with a company document that is	2 3 4 5 6 7 8 9 10 11	next column is BDO, which means below detection limit. Q. That's not what my question was. My question was, one structure of chrysotile was found in this sample; is that true? MR. PROST: Object to form. Q. (By Ms. O'Dell) Is that true, sir? A. One structure less than 5 microns was found, but it was below the detection limit. Q. So the answer to my question is yes, one structure of chrysotile was found in this sample. MR. PROST: Object to form.
2 3 4 5 6 7 8 9 10 11 12 13	MR. SILVER: Wait. We got to be a little more specific than that. It's outside the scope because this is an area for Miss Pier. MS. O'DELL: And we're going to ask Miss Pier about it, but Mr. Downey has testified categorically yesterday, twice, that chrysotile has never been found at Argonaut. He said that in general, and then he said that in relation to MR. PROST: That's fine. MS. O'DELL: Johnson & Johnson's talcum-powder products, and I have a right to confront him with a company document that is inconsistent with his testimony.	2 3 4 5 6 7 8 9 10 11 12	next column is BDO, which means below detection limit. Q. That's not what my question was. My question was, one structure of chrysotile was found in this sample; is that true? MR. PROST: Object to form. Q. (By Ms. O'Dell) Is that true, sir? A. One structure less than 5 microns was found, but it was below the detection limit. Q. So the answer to my question is yes, one structure of chrysotile was found in this sample. MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct?
2 3 4 5 6 7 8 9 10 11 12 13 14	MR. SILVER: Wait. We got to be a little more specific than that. It's outside the scope because this is an area for Miss Pier. MS. O'DELL: And we're going to ask Miss Pier about it, but Mr. Downey has testified categorically yesterday, twice, that chrysotile has never been found at Argonaut. He said that in general, and then he said that in relation to MR. PROST: That's fine. MS. O'DELL: Johnson & Johnson's talcum-powder products, and I have a right to confront him with a company document that is inconsistent with his testimony. MR. PROST: That's fine. You can ask him.	2 3 4 5 6 7 8 9 10 11 12 13 14	next column is BDO, which means below detection limit. Q. That's not what my question was. My question was, one structure of chrysotile was found in this sample; is that true? MR. PROST: Object to form. Q. (By Ms. O'Dell) Is that true, sir? A. One structure less than 5 microns was found, but it was below the detection limit. Q. So the answer to my question is yes, one structure of chrysotile was found in this sample. MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct? A. The interpretation of the answer to that
2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR. SILVER: Wait. We got to be a little more specific than that. It's outside the scope because this is an area for Miss Pier. MS. O'DELL: And we're going to ask Miss Pier about it, but Mr. Downey has testified categorically yesterday, twice, that chrysotile has never been found at Argonaut. He said that in general, and then he said that in relation to MR. PROST: That's fine. MS. O'DELL: Johnson & Johnson's talcum-powder products, and I have a right to confront him with a company document that is inconsistent with his testimony. MR. PROST: That's fine. You can ask him. He can say it again. But Julie Pier is going to	2 3 4 5 6 7 8 9 10 11 12 13 14 15	next column is BDO, which means below detection limit. Q. That's not what my question was. My question was, one structure of chrysotile was found in this sample; is that true? MR. PROST: Object to form. Q. (By Ms. O'Dell) Is that true, sir? A. One structure less than 5 microns was found, but it was below the detection limit. Q. So the answer to my question is yes, one structure of chrysotile was found in this sample. MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct? A. The interpretation of the answer to that I'd defer to Julie Pier.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR. SILVER: Wait. We got to be a little more specific than that. It's outside the scope because this is an area for Miss Pier. MS. O'DELL: And we're going to ask Miss Pier about it, but Mr. Downey has testified categorically yesterday, twice, that chrysotile has never been found at Argonaut. He said that in general, and then he said that in relation to MR. PROST: That's fine. MS. O'DELL: Johnson & Johnson's talcum-powder products, and I have a right to confront him with a company document that is inconsistent with his testimony. MR. PROST: That's fine. You can ask him. He can say it again. But Julie Pier is going to speak for the company on that topic, so but go	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	next column is BDO, which means below detection limit. Q. That's not what my question was. My question was, one structure of chrysotile was found in this sample; is that true? MR. PROST: Object to form. Q. (By Ms. O'Dell) Is that true, sir? A. One structure less than 5 microns was found, but it was below the detection limit. Q. So the answer to my question is yes, one structure of chrysotile was found in this sample. MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct? A. The interpretation of the answer to that I'd defer to Julie Pier. Q. And at September 2002, we've established
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR. SILVER: Wait. We got to be a little more specific than that. It's outside the scope because this is an area for Miss Pier. MS. O'DELL: And we're going to ask Miss Pier about it, but Mr. Downey has testified categorically yesterday, twice, that chrysotile has never been found at Argonaut. He said that in general, and then he said that in relation to MR. PROST: That's fine. MS. O'DELL: Johnson & Johnson's talcum-powder products, and I have a right to confront him with a company document that is inconsistent with his testimony. MR. PROST: That's fine. You can ask him. He can say it again. But Julie Pier is going to speak for the company on that topic, so but go ahead.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	next column is BDO, which means below detection limit. Q. That's not what my question was. My question was, one structure of chrysotile was found in this sample; is that true? MR. PROST: Object to form. Q. (By Ms. O'Dell) Is that true, sir? A. One structure less than 5 microns was found, but it was below the detection limit. Q. So the answer to my question is yes, one structure of chrysotile was found in this sample. MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct? A. The interpretation of the answer to that I'd defer to Julie Pier. Q. And at September 2002, we've established that that talc would have been mined from Argonaut
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. SILVER: Wait. We got to be a little more specific than that. It's outside the scope because this is an area for Miss Pier. MS. O'DELL: And we're going to ask Miss Pier about it, but Mr. Downey has testified categorically yesterday, twice, that chrysotile has never been found at Argonaut. He said that in general, and then he said that in relation to MR. PROST: That's fine. MS. O'DELL: Johnson & Johnson's talcum-powder products, and I have a right to confront him with a company document that is inconsistent with his testimony. MR. PROST: That's fine. You can ask him. He can say it again. But Julie Pier is going to speak for the company on that topic, so but go ahead. MS. O'DELL: I'm not disputing that. I know	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	next column is BDO, which means below detection limit. Q. That's not what my question was. My question was, one structure of chrysotile was found in this sample; is that true? MR. PROST: Object to form. Q. (By Ms. O'Dell) Is that true, sir? A. One structure less than 5 microns was found, but it was below the detection limit. Q. So the answer to my question is yes, one structure of chrysotile was found in this sample. MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct? A. The interpretation of the answer to that I'd defer to Julie Pier. Q. And at September 2002, we've established that that talc would have been mined from Argonaut and sent to West Windsor for purposes of sourcing
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. SILVER: Wait. We got to be a little more specific than that. It's outside the scope because this is an area for Miss Pier. MS. O'DELL: And we're going to ask Miss Pier about it, but Mr. Downey has testified categorically yesterday, twice, that chrysotile has never been found at Argonaut. He said that in general, and then he said that in relation to MR. PROST: That's fine. MS. O'DELL: Johnson & Johnson's talcum-powder products, and I have a right to confront him with a company document that is inconsistent with his testimony. MR. PROST: That's fine. You can ask him. He can say it again. But Julie Pier is going to speak for the company on that topic, so but go ahead. MS. O'DELL: I'm not disputing that. I know she's going to be talking about testing.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	next column is BDO, which means below detection limit. Q. That's not what my question was. My question was, one structure of chrysotile was found in this sample; is that true? MR. PROST: Object to form. Q. (By Ms. O'Dell) Is that true, sir? A. One structure less than 5 microns was found, but it was below the detection limit. Q. So the answer to my question is yes, one structure of chrysotile was found in this sample. MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct? A. The interpretation of the answer to that I'd defer to Julie Pier. Q. And at September 2002, we've established that that talc would have been mined from Argonaut and sent to West Windsor for purposes of sourcing Johnson & Johnson with talc, correct?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. SILVER: Wait. We got to be a little more specific than that. It's outside the scope because this is an area for Miss Pier. MS. O'DELL: And we're going to ask Miss Pier about it, but Mr. Downey has testified categorically yesterday, twice, that chrysotile has never been found at Argonaut. He said that in general, and then he said that in relation to MR. PROST: That's fine. MS. O'DELL: Johnson & Johnson's talcum-powder products, and I have a right to confront him with a company document that is inconsistent with his testimony. MR. PROST: That's fine. You can ask him. He can say it again. But Julie Pier is going to speak for the company on that topic, so but go ahead. MS. O'DELL: I'm not disputing that. I know she's going to be talking about testing. Q. (By Ms. O'Dell) Do you see this,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	next column is BDO, which means below detection limit. Q. That's not what my question was. My question was, one structure of chrysotile was found in this sample; is that true? MR. PROST: Object to form. Q. (By Ms. O'Dell) Is that true, sir? A. One structure less than 5 microns was found, but it was below the detection limit. Q. So the answer to my question is yes, one structure of chrysotile was found in this sample. MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct? A. The interpretation of the answer to that I'd defer to Julie Pier. Q. And at September 2002, we've established that that talc would have been mined from Argonaut and sent to West Windsor for purposes of sourcing Johnson & Johnson with talc, correct? A. Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. SILVER: Wait. We got to be a little more specific than that. It's outside the scope because this is an area for Miss Pier. MS. O'DELL: And we're going to ask Miss Pier about it, but Mr. Downey has testified categorically yesterday, twice, that chrysotile has never been found at Argonaut. He said that in general, and then he said that in relation to MR. PROST: That's fine. MS. O'DELL: Johnson & Johnson's talcum-powder products, and I have a right to confront him with a company document that is inconsistent with his testimony. MR. PROST: That's fine. You can ask him. He can say it again. But Julie Pier is going to speak for the company on that topic, so but go ahead. MS. O'DELL: I'm not disputing that. I know she's going to be talking about testing. Q. (By Ms. O'Dell) Do you see this, Mr. Downey?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	next column is BDO, which means below detection limit. Q. That's not what my question was. My question was, one structure of chrysotile was found in this sample; is that true? MR. PROST: Object to form. Q. (By Ms. O'Dell) Is that true, sir? A. One structure less than 5 microns was found, but it was below the detection limit. Q. So the answer to my question is yes, one structure of chrysotile was found in this sample. MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct? A. The interpretation of the answer to that I'd defer to Julie Pier. Q. And at September 2002, we've established that that talc would have been mined from Argonaut and sent to West Windsor for purposes of sourcing Johnson & Johnson with talc, correct? A. Yes. Q. And just to be clear, this is the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. SILVER: Wait. We got to be a little more specific than that. It's outside the scope because this is an area for Miss Pier. MS. O'DELL: And we're going to ask Miss Pier about it, but Mr. Downey has testified categorically yesterday, twice, that chrysotile has never been found at Argonaut. He said that in general, and then he said that in relation to MR. PROST: That's fine. MS. O'DELL: Johnson & Johnson's talcum-powder products, and I have a right to confront him with a company document that is inconsistent with his testimony. MR. PROST: That's fine. You can ask him. He can say it again. But Julie Pier is going to speak for the company on that topic, so but go ahead. MS. O'DELL: I'm not disputing that. I know she's going to be talking about testing. Q. (By Ms. O'Dell) Do you see this, Mr. Downey? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	next column is BDO, which means below detection limit. Q. That's not what my question was. My question was, one structure of chrysotile was found in this sample; is that true? MR. PROST: Object to form. Q. (By Ms. O'Dell) Is that true, sir? A. One structure less than 5 microns was found, but it was below the detection limit. Q. So the answer to my question is yes, one structure of chrysotile was found in this sample. MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct? A. The interpretation of the answer to that I'd defer to Julie Pier. Q. And at September 2002, we've established that that talc would have been mined from Argonaut and sent to West Windsor for purposes of sourcing Johnson & Johnson with talc, correct? A. Yes. Q. And just to be clear, this is the structure we were referring to is equal to or
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. SILVER: Wait. We got to be a little more specific than that. It's outside the scope because this is an area for Miss Pier. MS. O'DELL: And we're going to ask Miss Pier about it, but Mr. Downey has testified categorically yesterday, twice, that chrysotile has never been found at Argonaut. He said that in general, and then he said that in relation to MR. PROST: That's fine. MS. O'DELL: Johnson & Johnson's talcum-powder products, and I have a right to confront him with a company document that is inconsistent with his testimony. MR. PROST: That's fine. You can ask him. He can say it again. But Julie Pier is going to speak for the company on that topic, so but go ahead. MS. O'DELL: I'm not disputing that. I know she's going to be talking about testing. Q. (By Ms. O'Dell) Do you see this, Mr. Downey? A. Yes. Q. Okay. And this is a TEM asbestos	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	next column is BDO, which means below detection limit. Q. That's not what my question was. My question was, one structure of chrysotile was found in this sample; is that true? MR. PROST: Object to form. Q. (By Ms. O'Dell) Is that true, sir? A. One structure less than 5 microns was found, but it was below the detection limit. Q. So the answer to my question is yes, one structure of chrysotile was found in this sample. MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct? A. The interpretation of the answer to that I'd defer to Julie Pier. Q. And at September 2002, we've established that that talc would have been mined from Argonaut and sent to West Windsor for purposes of sourcing Johnson & Johnson with talc, correct? A. Yes. Q. And just to be clear, this is the structure we were referring to is equal to or greater than excuse me equal to or less than
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. SILVER: Wait. We got to be a little more specific than that. It's outside the scope because this is an area for Miss Pier. MS. O'DELL: And we're going to ask Miss Pier about it, but Mr. Downey has testified categorically yesterday, twice, that chrysotile has never been found at Argonaut. He said that in general, and then he said that in relation to MR. PROST: That's fine. MS. O'DELL: Johnson & Johnson's talcum-powder products, and I have a right to confront him with a company document that is inconsistent with his testimony. MR. PROST: That's fine. You can ask him. He can say it again. But Julie Pier is going to speak for the company on that topic, so but go ahead. MS. O'DELL: I'm not disputing that. I know she's going to be talking about testing. Q. (By Ms. O'Dell) Do you see this, Mr. Downey? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	next column is BDO, which means below detection limit. Q. That's not what my question was. My question was, one structure of chrysotile was found in this sample; is that true? MR. PROST: Object to form. Q. (By Ms. O'Dell) Is that true, sir? A. One structure less than 5 microns was found, but it was below the detection limit. Q. So the answer to my question is yes, one structure of chrysotile was found in this sample. MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct? A. The interpretation of the answer to that I'd defer to Julie Pier. Q. And at September 2002, we've established that that talc would have been mined from Argonaut and sent to West Windsor for purposes of sourcing Johnson & Johnson with talc, correct? A. Yes. Q. And just to be clear, this is the structure we were referring to is equal to or

19 (Pages 328 to 331)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 21 of 68 PageID: 51712 Patrick Downey

1		Page 332		Page 334
2 Correct? 3 same "TEM Asbestos Analysis of Argonaut Product 4 Composites." If you'll go down to a sample, it's 5 "float feed." It's about six lines down. Float 6 feed taken June 2002, correct? Correct? 7 A. I see one there. 8 Q. That's what it says? 9 A. Thaif's what it says. 10 Q. And that's the time period during which 11 take from Argonaut was being used in 11 Johnson & Johnson's takeum-prowder products, 12 Johnson & Johnson's takeum-prowder products, 13 correct? 14 A. Yes. 15 Q. And this is float feed, which means it 16 was sent to West Windsor, correct? 17 A. Correct. 18 Q. And one structure equal to or less than 19 S microns was identified in that sample, correct? 20 MR. PROST: Objection. 21 A. Less than or equal to 5 microns, but it 22 was below the descriot limit. 22 was below the descriotin limit. 23 MR. SILVER: Leigh, were you giving this to 24 Up ut that the aside for a moment. 25 MR. SILVER: Leigh, were you giving this to 26 me asky out to turn back to it. 27 A. Which one? 28 MR. SILVER: Oh, okay. 29 MS. O'DELL: I had an extra copy. 20 A. A. Wishich one? 21 A. O'Roc. 22 Q. And this is a summary of the test 23 go, the table we were just looking at a few minutes ago, correct? 31 A. O'Roc. 32 Q. D'Ro one we were just looking at a few minutes ago, correct? 33 Q. O'Row. Thank's my understanding; as well. 34 Q. (By Ms. O'Dell) My colleague reminded me I forgot something about that document, so let me sky out to turn back to it. 35 Mr. Downey, at 137 feet to 147 feet, it says, 36 Mr. PROST: Object to form. 36 Q. D'Ro one we were just looking at a few minutes ago, correct? 48 Q. O'Ro one we were just looking at a few minutes ago, correct? 49 Q. And this is a summary of the test 40 Q. O'Rod one since the state of	1	or equal to 5 microns.	1	Grade 66 is Johnson & Johnson-grade talc,
Same "IEM Asbestos Analysis of Argonaur Product Composites." If you'll go down to a sample, it's "float feed." It's about six lines down. Float feed taken June 2002, correct? Correct? 6 1 2 2 3 3 4 3 4 4 4 4 4 4	2	-	2	<u> </u>
4 Composites." If you'll go down to a sample, it's 5 "float feed." It's about six lines down. Float 6 feed taken June 2002, correct? 7 A. I see one there. 9 C. That's what it says? 9 A. That's what it says? 9 A. That's what it says? 10 Q. And that's the time period during which 11 take from Argonaut was being used in 12 Johnson & Johnson's talcum-powder products, 13 correct? 14 A. Yes. 15 Q. And this is float feed, which means it 16 was sent to West Windsor, correct? 17 A. Correct. 18 Q. And this is float feed, which means it 19 5 microns was identified in that sample, correct? 19 A. Correct. 20 A. Lets than or equal to 5 microns, but it 21 was below the detection limit. 22 was below the detection limit. 23 Q. (By Ms. O'Dell) Johnson & Johnson, correct? 24 MR. SILVER: Leigh, were you giving this to 25 MR. SILVER: Leigh, were you giving this to 26 me ask you to turn back to it. 27 A. Which one? 28 Q. (By Ms. O'Dell) My colleague reminded me I forgot something about that document, so let me ask you to turn back to it. 29 Page 333 20 MR. SILVER: Ch, okay. 20 C. (By Ms. O'Dell) My colleague reminded me I forgot something about that document, so let me ask you to turn back to it. 29 Page 333 20 MR. SILVER: Ch, okay. 31 MR. SILVER: Ch, okay. 42 Q. (By Ms. O'Dell) My colleague reminded me I forgot something about that document, so let me ask you to turn back to it. 43 A. O'Roy. 44 Q. (By Ms. O'Dell) My colleague reminded me I forgot something about that document, so let me ask you to turn back to it. 44 A. O'Roy. 45 Q. And if you'll go to the back and count front of you. 46 Q. And if you'll go to the back and count thread ago, the table we were just looking at a few minutes ago, correct? 46 A. O'Roy. 47 A. No. 48 Q. And this is a summary of the test meask you to look at Exhibit 40 was marked tore and bunch of ones and zeros. 49 Q. Let me jeust ask you this, then, because the dates and a bunch of ones and zeros. 40 Q. By Ms. O'Dell) Let me sub you to look at Exhibit 40. 41 A. No. 42 Q. Wash as marked the best or indina	3		3	
Section	4	, ,	4	· ·
6 feed taken June 2002, correct? Correct? 7 A. I see one there. 8 Q. That's what it says? 9 A. That's what it says? 9 A. That's what it says. 10 Q. And that's the time period during which 11 take from Argonaut was being used in 12 Johnson & Johnson's talcum-powder products, 12 A. Yes. 14 A. Yes. 15 Q. And this is float feed, which means it 15 was sent to West Windsor, correct? 16 was sent to West Windsor, correct? 16 (Exhibit 39. Ethibit 39. Ethibit 39. Ethibit 39. Ethibit 39. Ethibit 39. Ethibit 39. Winds was 469483. Q. (By Ms. O'Dell) If you'll look at this, on page 2 of the document, which is the Bates number ending 484, you'll see this relates – this log, core drill log, relates to hole number 2001-1 do you see that? 2 MS. O'DELL: I had an extra copy. 3 MR. SILVER: Leigh, were you giving this to 25 MR. SILVER: Leigh, were you giving this to 25 MR. SILVER: Ch, okay. 4 Q. (By Ms. O'Dell) My colleague reminded me ask you to turn back to it. 5 A. Which one? 6 MR. PROST: Object to form. 9 C. The one were just looking at, which 10 front of you. 11 A. Okay. 12 Q. And if you'll go to the back and count three pages in from the back, see that? 13 A. Yes. 14 A. Yes. 15 Q. And this is a summary of the test 15 expetits that we were just looking at a few minutes ago, the table we were just looking at a few minutes ago, the table we were just looking at a few minutes ago, the table we were just looking at a few minutes ago, the table we were just looking at a few minutes ago, the table were just looking at a few minutes ago, the table were just looking at a few minutes ago, the table were just looking at a few minutes ago, the table were just looking at a few minutes a	5		5	<u> </u>
A. I see one there. 8 Q. Thar's what it says? 9 A. Thar's what it says? 10 Q. And that's the time period during which 11 tale from Argonaut was being used in 12 Johnson & Johnson's talcum-powder products, 13 correct? 14 A. Yes, 15 Q. And this is float feed, which means it 16 was sent to West Windsor, correct? 17 A. Correct. 18 Q. And one structure equal to or less than 19 S microns was identified in that sample, correct? 10 A. Less than or equal to 5 microns, but it 12 was below the detection limit. 12 was below the detection limit. 12 was below the detection limit. 13 MR. SILVER: Leigh, were you giving this to 15 MR. SILVER: Leigh, were you giving this to 16 me ask you to turn back to it. 17 A. Which one? 18 Q. The one we were just looking at, which 19 Tve marked as Exhibit 38. It's the one right in front of you. 11 for of you. 12 Q. And this is a summary of the test 12 question other than the column headers and the dates and a bunch of ones and zeros. 19 Q. Let me just ask you tois, then, because 10 Q. Let me just ask you tois, then, because 11 date from Argonaut was being used in the products, and the dates and a bunch of ones and zeros. 20 Q. Let me just ask you tois, then, because 21 dates and a bunch of ones and zeros. 22 Q. Let me just ask you tois, then, because 23 Q. Let me just ask you tois, then, because 24 dates and a bunch of ones and zeros. 25 Q. Let me just ask you tois, then, because 26 dates and a bunch of ones and zeros. 27 Q. Let me just ask you tois, then, because 28 Q. Let me just ask you tois, then, because 29 A. For export purposes, yes. Q. It was used in Canada, is my understanding; is that right? A. That's my understanding; is that right? A. That	6			
B Q. That's what it says? 9 A. That's what it says. 10 Q. And that's the time period during which 11 talc from Argonaut was being used in 12 Johnson & Johnson's talcum-powder products, 13 correct? 14 A. Yes. 15 Q. And this is float feed, which means it 16 was sent to West Windsor, correct? 17 A. Correct. 18 Q. And one structure equal to or less than 19 5 microns was identified in that sample, correct? 19 MR. PROST: Objection. 20 MR. PROST: Objection. 21 A. Less than or equal to 5 microns, but it 22 was below the detection limit. 23 Q. (By Ms. O'Dell) Okay. Let me ask you 24 to put that the aside for a moment. 25 MR. SILVER: Leigh, were you giving this to Page 333 1 me? 2 MS. O'DELL: I had an extra copy. 3 MR. SILVER: Oh, okay. 4 Q. (By Ms. O'Dell) My colleague reminded me I forgot something about that document, so let me ask you to turn back to it. 4 A. Which one? 4 Q. Thank was bead who detection limit. 5 me A. Which one? 6 Q. The one we were just looking at, which 10 front of you. 11 A. Okay. 12 Q. And if you'll go to the back and count three pages in from the back, see that? 13 A. Yes. 14 A. Yes. 15 Q. And this is a summary of the test results that we were just looking at a few minutes ago, the table we were just looking at a few minutes ago, the table we were just looking at a few minutes ago, the table we were just looking at a few minutes ago, the table we were just looking at a few minutes ago, to correct? 20 Q. Let me sky ou to list, then, because 21 Q. Let me show you what I'm marking as Exhibit 30. Let me show you what I'm marking as Exhibit 30. Ms. O'DELL: It's Bates number 11 Ms. Cyo'Bay. O'DELD I's Bates number 12 Ms. O'DELL: I's Bates number 13 Ms. O'DELL: I's Bates number 14 A. Yes. 25 Mr. SILVER: Leigh, were you giving this to 26 The me show you what I'm marking as Exhibit 39. Ws. O'DEll) My o'Dell on the chart, 27 A. Yes. 28 Ms. S'LVER: Leigh, were you giving this to 29 Q. By Ms. O'DEll) My colleague reminded me? 30 Mr. Downey, at 137 feet to 147 feet, it says, 31 Mr. Downey, at 137 feet to	7	·	7	-
9 A. That's what it says. 10 Q. And that's the time period during which 11 tale from Argonaut was being used in 12 Johnson & Johnson's talcum-powder products, 13 correct? 14 A. Yes. 15 Q. And this is float feed, which means it 16 was sent to West Windsor, correct? 17 A. Correct. 18 Q. And one structure equal to or less than 19 5 microns was identified in that sample, correct? 18 Q. And one structure equal to or less than 19 5 microns was identified in that sample, correct? 20 MR. PROST: Objection. 21 A. Less than or equal to 5 microns, but it 22 was below the detection limit. 22 was below the detection limit. 23 Q. (By Ms. O'Dell) Okay. Let me ask you 24 to put that the aside for a moment. 25 MR. SILVER: Leigh, were you giving this to 26 me I forgot something about that document, so let me ask you to turn back to it. 4 Q. (By Ms. O'Dell) Wy colleague reminded me I forgot something about that document, so let me ask you to turn back to it. 4 Q. (By Ms. O'Dell) Wy colleague reminded me I forgot something about that document, so let me ask you to turn back to it. 4 Q. (By Ms. O'Dell) Wy colleague reminded me I forgot something about that document, so let me ask you to turn back to it. 4 Q. (By Ms. O'Dell) Wy colleague reminded me I forgot something about that document, so let me ask you to turn back to it. 4 Q. (By Ms. O'Dell) Wy colleague reminded for from to you. 10 G. (By Ms. O'Dell) Wy colleague reminded me I forgot something about that document, so let me ask you to turn back to it. 4 A. Ves. 6 Q. The one we were just looking at, which 17 A. A Which one? 18 Q. And if you'll go to the back and count the pages in from the back, see that? 19 A. Yes. 10 Q. And this is a summary of the test results that we were just looking at a few minutes ago, the table we were just looking at a few minutes ago, to recet? 18 minutes ago, correct? 20 Q. Let me just ask you this, then, because 21 dates and a bunch of ones and zeros. 22 Q. Let me just ask you this, then, because 23 Q. Let me just ask you this, then, because 24 A. Y	8			-
10 Q. And that's the time period during which 11 talc from Argonaut was being used in 12 Johnson & Johnson's talcum-powder products, 13 correct? 14 A. Yes. 15 Q. And this is float feed, which means it 15 Was sent to West Windsor, correct? 16 was sent to West Windsor, correct? 17 A. Correct. 18 Q. And one structure equal to or less than 19 5 microns was identified in that sample, correct? 20 MR. PROST: Objection. 21 A. Less than or equal to 5 microns, but it 22 was below the detection limit. 22 was below the detection limit. 23 Q. (By Ms. O'Dell) Okay. Let me ask you to put that the aside for a moment. 24 to put that the aside for a moment. 25 MR. SILVER: Leigh, were you giving this to 26 MR. SILVER: Oh, okay. 27 A. Yes. 28 MS. O'DELL: I had an extra copy. 29 MS. O'Dell) My colleague reminded me I forgot something about that document, so let me ask you to turn back to it. 30 A. Which one? 41 A. Which one? 42 Q. The one we were just looking at, which 43 Pve marked as Exhibit 38. It's the one right in front of you. 44 A. Yes. 45 Q. And if you'll go to the back and count three pages in from the back, see that? 46 A. Yes. 47 Q. And this is a summary of the test results that we were just looking at a few minutes ago, correct? 48 Q. And this is a summary of the test results that we were just looking at a few minutes ago, correct? 49 A. Yes. 40 Q. And this is a summary of the test results that we were just looking at a few minutes ago, correct? 40 Q. Had this is a general term of rock composed of amphibolitie. 41 A. Yes. 42 Q. What is a general term of rock composed of amphibolitie is a general term of rock composed of amphibolitie. 43 A. Think it's a misspelling of anthophyllite; do you see that? 44 A. Yes. 45 Q. And this is a summary of the test results that we were just looking at a few minutes ago, correct? 46 A. Yes. 47 A. Yes. 48 Q. What is "amphibolitie." 49 A. Yes. 40 Q. And this is a summary of the test results that we were just looking at a few minutes ago, correct? 40 Q. Hat is might have a marked for identi		•		,
11 tale from Argonaut was being used in 12 Johnson & Johnson's talcum-powder products, 13 correct? 14 A. Yes. 15 Q. And this is float feed, which means it 16 was sent to West Windsor, correct? 16 Q. And one structure equal to or less than 17 A. Correct. 18 Q. And one structure equal to or less than 19 5 microns was identified in that sample, correct? 20 MR. PROST: Objection. 21 A. Less than or equal to 5 microns, but it 22 was below the detection limit. 22 Q. (By Ms. O'Dell) Okay. Let me ask you 23 to put that the aside for a moment. 24 to put that the aside for a moment. 25 MR. SILVER: Leigh, were you giving this to 26 MR. SILVER: Oh, okay. 27 MR. SILVER: Oh, okay. 28 MS. O'DELL: I had an extra copy. 29 MS. O'DELL: I had an extra copy. 30 MR. SILVER: Oh, okay. 41 Q. (By Ms. O'Dell) My colleague reminded of me I forgot something about that document, so let me ask you to turn back to it. 42 A. Which one? 43 Q. My hich one? 44 Q. The one we were just looking at, which of front of you. 45 Q. And of six a summary of the test results that we were just looking at a few minutes ago, correct? 46 The minutes ago, correct? 47 A. No. 48 Q. And dist is a summary of the test results that we were just looking at a few minutes ago, correct? 49 Q. And this is a summary of the test for the deciration of the chart, there ages in from the back, see that? 40 Q. What is "amphobilite"? 41 A. Yes. 42 Q. And dist is a summary of the test results that we were just looking at a few minutes ago, correct? 44 Q. And one structure equal to or less than in the column headers and the dates and a bunch of ones and zeros. 45 Q. Let me just ask you this, then, because 46 Late go and a bunch of ones and zeros. 47 Q. What is seen some time since I've		·		
12 Johnson & Johnson's talcum-powder products, 13 correct? 14 A. Yes. 15 Q. And this is float feed, which means it 16 was sent to West Windsor, correct? 17 A. Correct. 17 Q. And one structure equal to or less than 19 5 microns was identified in that sample, correct? 10 MR. PROST: Objection. 20 And Less than or equal to 5 microns, but it 21 was below the detection limit. 22 was below the detection limit. 23 Q. (By Ms. O'Dell) My. Dellen year of the document, which is the Bates number ending 484, you'll see this relates – this log, core drill log, relates to hole number 2001-1 do you see that? 24 to put that the aside for a moment. 25 MR. SILVER: Leigh, were you giving this to 26 me ask you to turn back to it. 27 A. Which one? 28 Q. The one we were just looking at, which 29 Promarked as Exhibit 38. It's the one right in 10 front of you. 11 A. Okay. 12 Q. And in it you'll go to the back and count 13 three pages in from the back, see that? 14 A. Yes. 15 Q. And this is a summary of the test 16 results that we were just looking at a few minutes ago, correct? 18 minutes ago, correct? 19 A. I don't know. There's no other 20 description other than the column headers and the dates and a bunch of ones and zeros. 20 Let me just ask you this, then, because 21 A. That's my understanding as well. 22 (And this is a float feed, which means it 24 Exhibit 39. (Exhibit 39. (Exhibit 39 was marked for identification.) MS. O'DELL: It's Bates number 11 (Exhibit 39 was marked for identification.) MS. O'DELL: It's Bates number of identification.) MS. O'DELL: It's Bates number of identification.) 4 Q. (By Ms. O'Dell) If you'll look at this, on page 2 of the document, which is the Bates number ending 484, you'll see this relates – this log, core drill log, relates to hole number 2001-1 do you see that? A. Yes. 2 MS. O'DELL: I had an extra copy. 3 MR. SILVER: Chi, okay. 4 Q. (By Ms. O'Dell) My colleague reminded me I forgot something about that document, so let meass. 5 Mr. Downey, at 137 feet to 147 feet, it says, "Amphibole oxide				-
13 correct? 14 A. Yes. 15 Q. And this is float feed, which means it 16 was sent to West Windsor, correct? 17 A. Correct. 18 Q. And one structure equal to or less than 19 5 microns was identified in that sample, correct? 20 MR. PROST: Objection. 21 A. Less than or equal to 5 microns, but it 22 was below the detection limit. 23 Q. (By Ms. O'Dell) Okay. Let me ask you 24 to put that the aside for a moment. 25 MR. SILVER: Leigh, were you giving this to 26 MS. O'DELL: I had an extra copy. 31 MS. SILVER: Leigh, were you giving this to 32 MS. O'DELL: I had an extra copy. 33 MS. SILVER: Oh, okay. 44 Q. (By Ms. O'Dell) My colleague reminded me I forgot something about that document, so let me ask you to turn back to it. 4 A. Which one? 4 Q. (By Ms. O'Dell) My colleague reminded me ask you to turn back to it. 4 A. Which one? 5 Q. The one we were just looking at, which of front of you. 10 front of you. 11 A. Okay. 12 Q. And if you'll go to the back and count three pages in from the back, see that? 14 A. Yes. 15 Q. And this is a summary of the test results that we were just looking at a few minutes ago, correct? 16 A. I don't know. There's no other dates and a bunch of ones and zeros. 27 Q. (By Ms. O'Dell) Let me ask you to look at this, on page 2 of the document, which is the Bates number ending 484, you'll see this Pates - this log, core drill log, relates to hole number 2001-1 do you see that? 24 A. Yes. 25 Q. You'll see at the bottom of the chart, 26 Mr. Downey, at 137 feet to 147 feet, it says, 27 "Amphibole oxide covered," I'm not sure what that's abbreviated for, "CA 15"; do you see that? 28 A. I see that. I don't know what it means. 39 Q. (By Ms. O'Dell) You don't agree with that? 30 Q. (By Ms. O'Dell) You don't agree with that? 31 A. No. 32 Q. What is "amphibolite." 32 Q. What's amphibolite. 33 Q. What's amphibolite. 34 A. A. Amphibole minerals. 35 Q. What's amphibolite. 36 Q. What's amphibolite. 37 A. A. Amphibole minerals. 38 Q. What's amphibolite. 38 Q. What's amphibolite. 39 Q. What's amphibolite. 30 Q. What's				
14 A. Yes. 15 Q. And this is float feed, which means it 16 was sent to West Windsor, correct? 17 A. Correct. 18 Q. And one structure equal to or less than 19 5 microns was identified in that sample, correct? 20 MR. PROST: Objection. 21 A. Less than or equal to 5 microns, but it 22 was below the detection limit. 23 Q. (By Ms. O'Dell) Okay. Let me ask you 24 to put that the aside for a moment. 25 MR. SILVER: Leigh, were you giving this to 26 MS. O'DELL: I had an extra copy. 27 MS. O'DELL: I had an extra copy. 28 MS. O'DELL: I had an extra copy. 39 MR. SILVER: Oh, okay. 40 Q. (By Ms. O'Dell) My colleague reminded me I forgot something about that document, so let me ask you to turn back to it. 40 A. Which one? 41 A. Which one? 42 Q. And if you'll go to the back and count from tof you. 41 A. Okay. 42 Q. And this is a summary of the test results that we were just looking at a few minutes ago, the table we were just looking at a few minutes ago, correct? 41 A. I don't know. There's no other dates and a bunch of ones and zeros. 42 Q. Let me just ask you this, then, because 43 D. Correct. 44 Let me show you what I'm marking as Exhibit 39. (Exhibit 39. (Exhibit 39. (Exhibit 39. (Exhibit 39. (Exhibit 39. Wis. O'DELL: It's Bates number index this, on page 2 of the document, which is the Bates on page 2 of the document, which is the Bates on page 2 of the document, which is the Bates on page 2 of the document, which is the Bates on page 2 of the document, which is the Bates on page 2 of the document, which is the Bates on page 2 of the document, which is the Bates on page 2 of the document, which is the Bates on page 2 of the document, which is the Bates on page 2 of the document, which is the Bates on page 2 of the document, which is the Bates on page 2 of the document, which is the Bates on page 2 of the document, which is the Bates on page 2 of the document, which is the Bates on page 2 of the document, which is the Bates on page 2 of the document, which is the Bates on page 2 of the document, which is the Bates on page		· · · · · · · · · · · · · · · · · · ·		•
15 Q. And this is float feed, which means it 16 was sent to West Windsor, correct? 17 A. Correct. 18 Q. And one structure equal to or less than 19 5 microns was identified in that sample, correct? 20 MR. PROST: Objection. 21 A. Less than or equal to 5 microns, but it 22 was below the detection limit. 23 Q. (By Ms. O'Dell) Okay. Let me ask you 24 to put that the aside for a moment. 25 MR. SILVER: Leigh, were you giving this to 26 MS. O'DELL: I had an extra copy. 27 MS. O'DELL: I had an extra copy. 28 MS. O'DELL: I had an extra copy. 39 MR. SILVER: Oh, okay. 40 Q. (By Ms. O'Dell) My colleague reminded me I forgot something about that document, so let me ask you to turn back to it. 40 Q. My conditions. 41 Mich one? 42 A. Winch one? 43 MR. SILVER: Oh, okay. 44 Q. (By Ms. O'Dell) My colleague reminded me ask you to turn back to it. 41 A. Which one? 42 Q. And if you'll go to the back and count three pages in from the back, see that? 41 A. Yes. 42 Q. And this is a summary of the test results that we were just looking at a few minutes ago, the table we were just looking at a few minutes ago, correct? 42 A. I see that. I don't know what it means. 43 MR. PROST: Object to form. 44 Q. (By Ms. O'Dell) You don't agree with that's ago, the table we were just looking at a few minutes ago, correct? 45 Q. And this is a summary of the test results that we were just looking at a few minutes ago, correct? 46 A. I don't know. There's no other date dates and a bunch of ones and zeros. 47 Q. (By Ms. O'Dell) Let me ask you to look at exhibit 40. Have you seen this document before today? 48 A. Yes, but it's been some time since I've				- •
16 was sent to West Windsor, correct? 17 A. Correct. 18 Q. And one structure equal to or less than 19 5 microns was identified in that sample, correct? 20 MR. PROST: Objection. 21 A. Less than or equal to 5 microns, but it 22 was below the detection limit. 23 Q. (By Ms. O'Dell) Okay. Let me ask you 24 to put that the aside for a moment. 25 MR. SILVER: Leigh, were you giving this to 26 MS. O'DELL: I had an extra copy. 27 MS. O'DELL: I had an extra copy. 28 MS. O'DELL: I had an extra copy. 39 MR. SILVER: Oh, okay. 40 Q. (By Ms. O'Dell) My colleague reminded me I forgot something about that document, so let me ask you to turn back to it. 40 Q. (By Ms. O'Dell) My colleague reminded me I forgot something about that document, so let me ask you to turn back to it. 41 A. Which one? 42 A. Which one? 43 Q. The one we were just looking at, which of front of you. 44 Q. (And if you'll go to the back and count three pages in from the back, see that? 45 Q. And this is a summary of the test results that we were just looking at a few minutes ago, correct? 46 MS. O'DELL: It's Bates number 47 IMERYS 469483. 48 Q. (By Ms. O'Dell) My coll look at this, on page 2 of the document, which is the Bates number ending 484, you'll see this relates this log, core drill log, relates to hole number 2001-1 do you see that? 4 A. Yes. 4 Page 333 Page 333 Page 335 Page 335 Page 335 Page 335 Page 335 A. Is see that. I don't know what it means. Q. (By Ms. O'Dell) My colleague reminded for "CA 15"; do you see that? A. No. MR. PROST: Object to form. Q. (By Ms. O'Dell) You don't agree with that? A. No. Q. What is "amphobilite"? A. No. Q. What is a misspelling of "amphibolite." A. Hinhis it's a misspelling of "amphibolite." A. A minutes ago, correct? A. A in think it's a misspelling of "amphibolite." A. A don't know. There's no other dates and a bunch of ones and zeros. Q. Let me just ask you this, then, because Q. Let me just ask you this, then, because Q. Let me just ask you this, then, because				
17 A. Correct. 18 Q. And one structure equal to or less than 19 5 microns was identified in that sample, correct? 20 MR. PROST: Objection. 21 A. Less than or equal to 5 microns, but it 22 was below the detection limit. 23 Q. (By Ms. O'Dell) Okay. Let me ask you 24 to put that the aside for a moment. 25 MR. SILVER: Leigh, were you giving this to 26 Page 333 1 me? 2 MS. O'DELL: I had an extra copy. 3 MR. SILVER: Oh, okay. 4 Q. (By Ms. O'Dell) Okay. 5 MR. SILVER: Leigh, were you giving this to 25 Page 333 1 me? 2 MS. O'DELL: I had an extra copy. 3 MR. SILVER: Oh, okay. 4 Q. (By Ms. O'Dell) My colleague reminded me I forgot something about that document, so let me ask you to turn back to it. 4 A. Which one? 5 Q. The one we were just looking at, which 10 front of you. 10 front of you. 11 A. Okay. 12 Q. And if you'll go to the back and count three pages in from the back, see that? 13 A. Yes. 14 A. Yes. 15 Q. And this is a summary of the test results that we were just looking at a few minutes ago, correct? 16 A. I don't know. There's no other dates and a bunch of ones and zeros. 20 Q. Let me just ask you this, then, because 21 MS. O'DELL: I had an extra copy. 22 MR. PROST: Object to form. 24 A. No. 25 MR. Downey, at 137 feet to 147 feet, it says, "Amphibole oxide covered," I'm not sure what that's abbreviated for, "CA 15"; do you see that? A. I see that. I don't know what it means. G. Is – and "amphibolite" is a misspelling of anthophyllite; do you agree? A. No. MR. PROST: Object to form. G. (By Ms. O'Dell) You don't agree with that? A. No. Q. What is "amphibolite." A. Hinink it's a misspelling of "amphibolite"? A. Hinink it's a misspelling of "amphibolite" is a general term of rock composed of amphibole minerals. (Exhibit 40 was marked for identification.) Q. (By Ms. O'Dell) Let me ask you to look at Exhibit 40. Have you seen this document before today? A. Yes, but it's been some time since I've				
18 Q. And one structure equal to or less than 19 5 microns was identified in that sample, correct? 20 MR. PROST: Objection. 21 A. Less than or equal to 5 microns, but it 22 was below the detection limit. 23 Q. (By Ms. O'Dell) Okay. Let me ask you 24 to put that the aside for a moment. 25 MR. SILVER: Leigh, were you giving this to 26 MS. O'DELL: I had an extra copy. 27 MS. O'DELL: I had an extra copy. 28 MS. O'DELL: I had an extra copy. 29 MS. O'DELL: I had an extra copy. 30 MR. SILVER: Oh, okay. 41 Q. (By Ms. O'Dell) My colleague reminded me I forgot something about that document, so let me ask you to turn back to it. 42 A. Which one? 43 Q. The one we were just looking at, which I've marked as Exhibit 38. It's the one right in front of you. 44 A. Okay. 45 Q. And if you'll go to the back and count that document so go, the table we were just looking at a few minutes ago, correct? 46 A. Yes. 47 A. Okay. 48 Q. (By Ms. O'Dell) My colleague reminded me I forgot something about that document, so let me ask you to turn back to it. 49 Q. The one we were just looking at, which I've marked as Exhibit 38. It's the one right in front of you. 40 Q. And if you'll go to the back and count that document sago, correct? 40 Q. And this is a summary of the test results that we were just looking at a few minutes ago, correct? 40 Q. And this is a summary of the test feet ago, the table we were just looking at a few minutes ago, correct? 41 A. Yes. 42 Q. What is amphibolite is a general term of rock composed of amphibole minerals. 43 A. Ne. 44 Q. (By Ms. O'Dell) You don't agree with that? 45 Q. What is amphibolite. 46 Q. And this is a summary of the test feet minutes ago, correct? 47 A. No. 48 Q. What is amphibolite is a general term of rock composed of amphibole minerals. 49 Q. (By Ms. O'Dell) Let me ask you to look at Exhibit 40. 40 Q. (By Ms. O'Dell) Let me ask you to look at Exhibit 40. 41 A. Yes, but it's been some time since I've				
19 5 microns was identified in that sample, correct? 20 MR, PROST: Objection. 21 A. Less than or equal to 5 microns, but it 22 was below the detection limit. 23 Q. (By Ms. O'Dell) Okay. Let me ask you 24 to put that the aside for a moment. 25 MR. SILVER: Leigh, were you giving this to 26 MS. O'DELL: I had an extra copy. 27 MS. O'DELL: I had an extra copy. 28 MS. O'DELL: I had an extra copy. 39 MR. SILVER: Oh, okay. 40 Q. (By Ms. O'Dell) My colleague reminded me I forgot something about that document, so let me ask you to turn back to it. 40 A. Which one? 41 A. Which one? 42 A. No. 43 MR. PROST: Object to form. 44 A. No. 45 MR. PROST: Object to form. 46 MR. PROST: Object to form. 47 A. Which one? 48 Q. The one we were just looking at, which log front of you. 49 Q. And if you'll go to the back and count three pages in from the back, see that? 40 A. Okay. 41 A. Yes. 41 A. No. 42 Q. And this is a summary of the test results that we were just looking at a few minutes ago, correct? 40 A. I don't know. There's no other dates and a bunch of ones and zeros. 41 A. Yes, but it's been some time since I've 42 A. Yes. 42 D. You'll see that look number 2001-1 do you see that? 42 A. Yes. 43 MR. Downey, at 137 feet to 147 feet, it says. 44 A. I see that. I don't know what it means. 45 A. I see that. I don't know what it means. 46 A. No wo see that? 47 A. No. 48 MR. PROST: Object to form. 49 Q. Gly Ms. O'Dell) You don't agree with that? 40 A. No. 41 A. No. 41 A. No. 42 Q. What is "amphibolite"? 41 A. Yes. 41 A. Yes. 42 A. Yes. 42 You'll see that? 43 A. Yes. 44 Yes. 45 Mr. Downey, at 137 feet to 147 feet, it says. 46 A. I see that. I don't know what it means. 47 A. I don't know what it means. 48 MR. PROST: Object to form. 49 Q. (By Ms. O'Dell) You don't agree with that? 40 A. No. 41 A. No. 41 A. No. 42 Q. What is "amphibolite"? 41 A. I think it's a misspelling of "amphibolite"? 42 A. I think it's a misspelling of amphibolite." 43 A. I don't know. There's no other date and a bunch of ones and zeros. 41 A. Have you seen this docume				
MR. PROST: Objection. A. Less than or equal to 5 microns, but it Q. (By Ms. O'Dell) Okay. Let me ask you to put that the aside for a moment. MR. SILVER: Leigh, were you giving this to Page 333 me? MS. O'DELL: I had an extra copy. MR. SILVER: Oh, okay. Q. (By Ms. O'Dell) My colleague reminded me ask you to turn back to it. A. Which one? MR. Which one? MR. O'Dell) My colleague reminded me ask you to turn back to it. A. Which one? MR. O'Dell) My colleague reminded me ask you to turn back to it. A. Which one? A. Which one? MR. O'Dell) My colleague reminded me ask you to turn back to it. A. Which one? MR. O'Dell) My colleague reminded me ask you to turn back to it. A. Which one? MR. O'Dell) My colleague reminded me ask you to turn back to it. A. Which one? A. No. Q. (By Ms. O'Dell) My colleague reminded me ask you to turn back to it. A. Which one? A. No. Q. (By Ms. O'Dell) My colleague reminded me ask you to turn back to it. A. Which one? A. No. Q. (By Ms. O'Dell) My colleague reminded me ask you to turn back to it. A. Which one? A. No. Q. (By Ms. O'Dell) My colleague reminded me ask you to turn back to it. A. Which one? A. No. Q. (By Ms. O'Dell) My colleague reminded me ask you to turn back to it. A. Which one? A. No. Q. (By Ms. O'Dell) My colleague reminded me ask you to turn back to it. A. No. Q. (By Ms. O'Dell) My colleague reminded me ask you to turn back to it. A. No. Q. (By Ms. O'Dell) You don't agree with that's ago, the table we were just looking at a few minutes ago, correct? A. I think it's a misspelling of "amphibolite." Q. What is "amphibolite." Q. What is a misspelling of "amphibolite." A. A pes. A. I don't know. There's no other dates and the dates and a bunch of ones and zeros. Q. Let me just ask you this, then, because A. Yes, but it's been some time since Ive		•		
A. Less than or equal to 5 microns, but it was below the detection limit. 2		* '		
22 was below the detection limit. 23 Q. (By Ms. O'Dell) Okay. Let me ask you to put that the aside for a moment. 24 to put that the aside for a moment. 25 MR. SILVER: Leigh, were you giving this to Page 333 1 me? 2 MS. O'DELL: I had an extra copy. 3 MR. SILVER: Oh, okay. 4 Q. (By Ms. O'Dell) My colleague reminded me I forgot something about that document, so let me ask you to turn back to it. 7 A. Which one? 8 Q. The one we were just looking at, which of front of you. 10 front of you. 11 A. Okay. 12 Q. And if you'll go to the back and count three pages in from the back, see that? 13 three pages in from the back, see that? 14 A. Yes. 15 Q. And this is a summary of the test results that we were just looking at a few minutes ago, correct? 16 minutes ago, correct? 17 A. I don't know. There's no other dates and a bunch of ones and zeros. 20 Let me just ask you this, then, because 21 log, core drill log, relates to hole number 2001-1 do you see that? A. Yes. 22 do you see that? A. Yes. Q. You'll see at the bottom of the chart, Page 335 Page 335 Mr. Downey, at 137 feet to 147 feet, it says, "Amphibole oxide covered," I'm not sure what that's abbreviated for, "CA 15"; do you see that? A. I don't know what it means. Q. Is and "amphobilite" is a misspelling of anthophyllite; do you agree? A. No. MR. PROST: Object to form. Q. (By Ms. O'Dell) You don't agree with that? A. No. Q. What is "amphobilite"? A. I think it's a misspelling of "amphibolite." A. A minutes ago, correct? A. Amphibolite: Q. What's amphibolite? A. Amphibolite is a general term of rock composed of amphibole minerals. (Exhibit 40 was marked for identification.) Q. (By Ms. O'Dell) Let me ask you to look at exhibit 40. Have you seen this document before today? A. Yes, but it's been some time since I've		•		* ·
Q. (By Ms. O'Dell) Okay. Let me ask you to put that the aside for a moment. Page 333 me? MR. SILVER: Leigh, were you giving this to Page 333 me? MR. O'DELL: I had an extra copy. MR. SILVER: Oh, okay. Q. (By Ms. O'Dell) My colleague reminded me ask you to turn back to it. A. Which one? A. Which one? A. Which one? A. Which one? A. Which one if front of you. A. Okay. Q. And if you'll go to the back and count three pages in from the back, see that? A. Yes. Q. What is "amphibolite"? A. I think it's a misspelling of any hibblite. The samplibolite? A. What's amphibolite? A. Amphibolite is a general term of rock composed of amphibole minerals. (Exhibit 40 was marked for identification.) Q. (By Ms. O'Dell) Let me ask you to look at Exhibit 40. Have you see that? A. Yes. Q. You'll see at the bottom of the chart, Page 335 Mr. Downey, at 137 feet to 147 feet, it says, "Amphibole oxide covered," I'm not sure what that's abbreviated for, "CA 15"; do you see that? A. I see that. I don't know what it means. Q. Is and "amphobilite" is a misspelling of anthophyllite; do you agree? A. No. MR. PROST: Object to form. Q. (By Ms. O'Dell) You don't agree with that? A. No. Q. What is "amphobilite"? A. I think it's a misspelling of "amphibolite." A. I think it's a misspelling of "amphibolite." A. Amphibolite is a general term of rock composed of amphibole minerals. (Exhibit 40 was marked for identification.) Q. (By Ms. O'Dell) Let me ask you to look at Exhibit 40. Have you seen this document before today? A. Yes, but it's been some time since I've		-		
to put that the aside for a moment. MR. SILVER: Leigh, were you giving this to Page 333 me? MS. O'DELL: I had an extra copy. MR. SILVER: Oh, okay. Q. (By Ms. O'Dell) My colleague reminded me I forgot something about that document, so let me ask you to turn back to it. A. Which one? A. Which one? Q. The one we were just looking at, which pront of you. A. Okay. Q. And if you'll go to the back and count three pages in from the back, see that? A. Yes. Q. What is "amphobilite"? A. No. Q. And this is a summary of the test results that we were just looking at a few minutes ago, the table we were just looking at a few minutes ago, the table we were just looking at a few minutes ago, the table we were just looking at a few description other than the column headers and the dates and a bunch of ones and zeros. Q. Let me just ask you this, then, because A. Yes. Q. You'll see at the bottom of the chart, MR. Downey, at 137 feet to 147 feet, it says, "Amphibole oxide covered," I'm not sure what that's abbreviated for, "CA 15"; do you see that? A. I see that. I don't know what it means. Q. Is and "amphobilite; is a misspelling of anthophyllite; do you agree? A. No. MR. PROST: Object to form. Q. (By Ms. O'Dell) You don't agree with that? A. No. A. No. A. No. Q. What is "amphobilite"? A. Amphibolite." Q. What's amphibolite." Q. What's amphibolite? A. Amphibolite is a general term of rock composed of amphibole minerals. (Exhibit 40 was marked for identification.) Q. (By Ms. O'Dell) Let me ask you to look at Exhibit 40. Have you seen this document before today? A. Yes, but it's been some time since I've				
Page 333 me? MR. SILVER: Leigh, were you giving this to Page 333 me? MS. O'DELL: I had an extra copy. MR. SILVER: Oh, okay. Q. (By Ms. O'Dell) My colleague reminded me I forgot something about that document, so let me ask you to turn back to it. A. Which one? A. Which one? A. Which one? A. Which of you. A. Okay. Q. And if you'll go to the back and count three pages in from the back, see that? A. Yes. Q. And this is a summary of the test results that we were just looking at a few minutes ago, correct? A. I don't know what it means. Q. Is and "amphobilite" is a misspelling of anthophyllite; do you agree? A. No. MR. PROST: Object to form. Q. (By Ms. O'Dell) You don't agree with that? A. No. Q. What is "amphobilite"? A. I think it's a misspelling of "amphibolite." Q. What is "amphobilite." A. I think it's a misspelling of A. Amphibolite. Q. What's amphibolite. Q. What's amphibolite. A. Amphibolite. A. Amphibolite is a general term of rock composed of amphibole minerals. (Exhibit 40 was marked for identification.) Q. (By Ms. O'Dell) Let me ask you to look at Exhibit 40. Have you seen this document before today? A. Yes, but it's been some time since I've				•
Page 333 1 me? 2 MS. O'DELL: I had an extra copy. 3 MR. SILVER: Oh, okay. 4 Q. (By Ms. O'Dell) My colleague reminded 5 me I forgot something about that document, so let 6 me ask you to turn back to it. 7 A. Which one? 8 Q. The one we were just looking at, which 9 I've marked as Exhibit 38. It's the one right in 10 front of you. 11 A. Okay. 12 Q. And if you'll go to the back and count 13 three pages in from the back, see that? 14 A. Yes. 15 Q. And this is a summary of the test 16 results that we were just looking at a few minutes ago, the table we were just looking at a few minutes ago, correct? 18 minutes ago, correct? 20 Q. Let me just ask you this, then, because 21 A. Yes, but it's been some time since I've		*		
1 me? 2 MS. O'DELL: I had an extra copy. 3 MR. SILVER: Oh, okay. 4 Q. (By Ms. O'Dell) My colleague reminded 5 me I forgot something about that document, so let 6 me ask you to turn back to it. 7 A. Which one? 8 Q. The one we were just looking at, which 9 I've marked as Exhibit 38. It's the one right in 10 front of you. 11 A. Okay. 12 Q. And if you'll go to the back and count 13 three pages in from the back, see that? 14 A. Yes. 15 Q. And this is a summary of the test 16 results that we were just looking at a few minutes ago, correct? 18 minutes ago, correct? 20 A. I don't know. There's no other 21 dates and a bunch of ones and zeros. 22 Q. Let me just ask you this, then, because 2 Mr. Downey, at 137 feet to 147 feet, it says, 2 "Amphibolic oxide covered," I'm not sure what that's abbreviated for, "CA 15"; do you see that? A. I see that. I don't know what it means. 4 A. I see that. I don't know what it means. 6 Q. Is and "amphobilite" is a misspelling of anthophyllite; do you agree? A. No. MR. PROST: Object to form. 9 Q. (By Ms. O'Dell) You don't agree with that? 10 that? 11 A. No. 12 Q. What is "amphobilite"? 13 A. I think it's a misspelling of "amphibolite." 14 A. Yes. 15 Q. What is "amphobilite"? 16 A. Amphibolite is a general term of rock composed of amphibole minerals. 17 (Exhibit 40 was marked for identification.) 18 (Exhibit 40 was marked for identification.) 19 Q. (By Ms. O'Dell) Let me ask you to look at Exhibit 40. 20 Have you seen this document before today? 21 A. Yes, but it's been some time since I've	25	MR. SILVER: Leigh, were you giving this to	25	Q. You'll see at the bottom of the chart,
MS. O'DELL: I had an extra copy. MR. SILVER: Oh, okay. Q. (By Ms. O'Dell) My colleague reminded me I forgot something about that document, so let me ask you to turn back to it. A. Which one? Q. The one we were just looking at, which front of you. A. Okay. Q. And if you'll go to the back and count three pages in from the back, see that? A. Yes. Q. And this is a summary of the test minutes ago, correct? A. I don't know. There's no other dates and a bunch of ones and zeros. Q. (By Ms. O'Dell) Let me ask you to swe that? A. I see that. I don't know what it means. Q. Is and "amphobilite" is a misspelling of anthophyllite; do you agree? A. No. MR. PROST: Object to form. Q. (By Ms. O'Dell) You don't agree with that? A. No. Q. What is "amphobilite"? A. I think it's a misspelling of "amphibolite." Q. What is "amphobilite"? A. Amphibolite: Q. What's amphibolite? A. Amphibolite is a general term of rock composed of amphibole minerals. (Exhibit 40 was marked for identification.) Q. (By Ms. O'Dell) Let me ask you to look at Exhibit 40. Have you seen this document before today? A. Yes, but it's been some time since I've		Page 333		Page 335
MR. SILVER: Oh, okay. Q. (By Ms. O'Dell) My colleague reminded me I forgot something about that document, so let me ask you to turn back to it. A. Which one? Q. The one we were just looking at, which I've marked as Exhibit 38. It's the one right in A. Okay. Q. And if you'll go to the back and count three pages in from the back, see that? A. Yes. Q. And this is a summary of the test results that we were just looking at a few minutes minutes ago, correct? A. I see that. I don't know what it means. Q. Is and "amphobilite" is a misspelling of anthophyllite; do you agree? A. No. MR. PROST: Object to form. Q. (By Ms. O'Dell) You don't agree with that? A. No. A. No. Q. What is "amphobilite"? A. I think it's a misspelling of "amphibolite." Q. What is minutes ago, correct? A. Amphibolite is a general term of rock composed of amphibole minerals. (Exhibit 40 was marked for identification.) A. I don't know. There's no other description other than the column headers and the dates and a bunch of ones and zeros. Q. Let me just ask you this, then, because A. Yes, but it's been some time since I've	1	me?	1	-
4 Q. (By Ms. O'Dell) My colleague reminded 5 me I forgot something about that document, so let 6 me ask you to turn back to it. 7 A. Which one? 8 Q. The one we were just looking at, which 9 I've marked as Exhibit 38. It's the one right in 10 front of you. 11 A. Okay. 12 Q. And if you'll go to the back and count 13 three pages in from the back, see that? 14 A. Yes. 15 Q. And this is a summary of the test 16 results that we were just looking at a few minutes 17 ago, the table we were just looking at a few minutes ago, correct? 18 minutes ago, correct? 19 A. I don't know. There's no other 20 dates and a bunch of ones and zeros. 20 Let me just ask you this, then, because 21 A. I see that. I don't know what it means. 20 Jis and "amphobilite" is a misspelling of anthophyllite; do you agree? 21 A. No. 32 MR. PROST: Object to form. 34 A. No. 35 MR. PROST: Object to form. 40 Q. (By Ms. O'Dell) You don't agree with that? 41 A. No. 42 Q. What is "amphobilite"? 43 A. I think it's a misspelling of "amphibolite." 44 A. No. 45 MR. PROST: Object to form. 46 (By Ms. O'Dell) You don't agree with that? 47 A. No. 48 MR. PROST: Object to form. 49 Q. (By Ms. O'Dell) You don't agree with that? 40 A. No. 41 A. No. 41 A. No. 42 Q. What is "amphobilite"? 4 A. I think it's a misspelling of "amphibolite." 4 A. A I think it's a misspelling of "amphibolite." 4 A. A Amphibolite is a general term of rock composed of amphibole minerals. 4 (Exhibit 40 was marked for identification.) 4 Q. (By Ms. O'Dell) Let me ask you to look at Exhibit 40. 4 A. I see that. I don't know what it means. 5 Q. Is and "amphobilite" is a misspelling of anthophyllite; do you agree? 4 A. No. 5 Q. (By Ms. O'Dell) You don't agree with that? 5 Q. What is "amphobilite"? 5 A. I think it's a misspelling of "amphibolite." 6 A. Amphibolite." 7 Q. What's amphibolite? 8 A. Amphibolite is a general term of rock composed of amphibole minerals. 8 (Exhibit 40 was marked for identification.) 9 Q. (By Ms. O'Dell) Let me ask you to look at Exhibit 40. 9 Q. Let me just ask you thi	2	MS. O'DELL: I had an extra copy.	2	-
me I forgot something about that document, so let me ask you to turn back to it. A. Which one? A. Which one? Q. The one we were just looking at, which I've marked as Exhibit 38. It's the one right in A. Okay. A. No. Q. And if you'll go to the back and count three pages in from the back, see that? A. Yes. Q. And this is a summary of the test results that we were just looking at a few minutes ago, the table we were just looking at a few minutes ago, correct? A. I don't know. There's no other dates and a bunch of ones and zeros. Q. Let me just ask you this, then, because D. A. No. Q. (By Ms. O'Dell) You don't agree with that? A. No. Q. What is "amphobilite"? A. I think it's a misspelling of "amphibolite." Q. What is "amphobilite"? A. I think it's a misspelling of "amphibolite." Q. What's amphibolite? A. Amphibolite is a general term of rock composed of amphibole minerals. (Exhibit 40 was marked for identification.) Q. (By Ms. O'Dell) Let me ask you to look at Exhibit 40. Have you seen this document before today? A. Yes, but it's been some time since I've	3	•	3	
6 me ask you to turn back to it. 7 A. Which one? 8 Q. The one we were just looking at, which 9 I've marked as Exhibit 38. It's the one right in 10 front of you. 11 A. Okay. 12 Q. And if you'll go to the back and count 13 three pages in from the back, see that? 14 A. Yes. 15 Q. And this is a summary of the test 16 results that we were just looking at a few minutes 17 ago, the table we were just looking at a few 18 minutes ago, correct? 19 A. I don't know. There's no other 20 dates and a bunch of ones and zeros. 21 Have you seen this document before today? 22 Q. Let me just ask you this, then, because 20 description other than the column headers and the dates and a bunch of ones and zeros. 20 description other than the column headers and the dates and a bunch of ones and zeros. 21 Granthophyllite; do you agree? A. No. A. No. Q. An No. A. No. Q. (By Ms. O'Dell) You don't agree with that? A. No. Q. (By Ms. O'Dell) You don't agree with that? A. No. Q. What is "amphobilite"? A. I think it's a misspelling of "amphibolite." Q. What's amphibolite? A. Amphibolite is a general term of rock composed of amphibole minerals. (Exhibit 40 was marked for identification.) Q. (By Ms. O'Dell) Let me ask you to look at Exhibit 40. A. Yes, but it's been some time since I've	4		4	A. I see that. I don't know what it means.
A. Which one? Q. The one we were just looking at, which Five marked as Exhibit 38. It's the one right in G. (By Ms. O'Dell) You don't agree with that? A. No. A. No. G. (By Ms. O'Dell) You don't agree with that? A. No. A. No. A. No. Q. (And if you'll go to the back and count three pages in from the back, see that? A. Yes. Q. And this is a summary of the test G. And this is a summary of the test Fresults that we were just looking at a few minutes Fresults that we were just looking at a few minutes Fresults that we were just looking at a few Fresults that we were just looking at a fe	5	me I forgot something about that document, so let	5	Q. Is and "amphobilite" is a misspelling
Q. The one we were just looking at, which I've marked as Exhibit 38. It's the one right in I've marked as Exhibit 40. It that? A. No. Q. What is "amphobilite"? A. I think it's a misspelling of "amphibolite." Q. What's amphibolite? A. Amphibolite is a general term of rock composed of amphibole minerals. (Exhibit 40 was marked for identification.) Q. (By Ms. O'Dell) Let me ask you to look at Exhibit 40. It dates and a bunch of ones and zeros. Q. Let me just ask you this, then, because A. Yes, but it's been some time since I've	6	me ask you to turn back to it.	6	of anthophyllite; do you agree?
9 I've marked as Exhibit 38. It's the one right in 10 front of you. 11 A. Okay. 12 Q. And if you'll go to the back and count 13 three pages in from the back, see that? 14 A. Yes. 15 Q. And this is a summary of the test 16 results that we were just looking at a few minutes 17 ago, the table we were just looking at a few 18 minutes ago, correct? 19 A. I don't know. There's no other 20 description other than the column headers and the 21 dates and a bunch of ones and zeros. 22 Q. (By Ms. O'Dell) You don't agree with 10 that? 12 Q. (By Ms. O'Dell) You don't agree with 14 A. No. 12 Q. What is "amphobilite"? 13 A. I think it's a misspelling of 14 "amphibolite." 15 Q. What's amphibolite? 16 A. Amphibolite is a general term of rock 17 composed of amphibole minerals. 18 (Exhibit 40 was marked for identification.) 20 (By Ms. O'Dell) Let me ask you to look 21 dates and a bunch of ones and zeros. 22 A. Yes, but it's been some time since I've	7	A. Which one?	7	A. No.
front of you. A. Okay. Q. And if you'll go to the back and count three pages in from the back, see that? A. Yes. Q. And this is a summary of the test Cresults that we were just looking at a few minutes minutes ago, correct? A. I don't know. There's no other dates and a bunch of ones and zeros. Q. Let me just and to the back and count that? A. No. A. No. A. I think it's a misspelling of "amphibolite." Q. What's amphibolite." Q. What's amphibolite? A. Amphibolite is a general term of rock composed of amphibole minerals. (Exhibit 40 was marked for identification.) Q. (By Ms. O'Dell) Let me ask you to look at Exhibit 40. Have you seen this document before today? A. Yes, but it's been some time since I've	8	Q. The one we were just looking at, which	8	MR. PROST: Object to form.
11 A. Okay. 12 Q. And if you'll go to the back and count 13 three pages in from the back, see that? 14 A. Yes. 15 Q. And this is a summary of the test 16 results that we were just looking at a few minutes 17 ago, the table we were just looking at a few 18 minutes ago, correct? 19 A. I don't know. There's no other 20 description other than the column headers and the 21 dates and a bunch of ones and zeros. 22 Q. Let me just ask you this, then, because 20 What is "amphobilite"? 21 A. No. 22 Q. What is "amphobilite"? 23 A. I think it's a misspelling of 24 "amphibolite." 25 Q. What's amphibolite? 26 A. Amphibolite is a general term of rock 27 composed of amphibole minerals. 28 (Exhibit 40 was marked for identification.) 29 Q. (By Ms. O'Dell) Let me ask you to look 20 at Exhibit 40. 21 Have you seen this document before today? 22 A. Yes, but it's been some time since I've	9	I've marked as Exhibit 38. It's the one right in	9	Q. (By Ms. O'Dell) You don't agree with
Q. And if you'll go to the back and count three pages in from the back, see that? A. I think it's a misspelling of "amphibolite." Q. What is "amphobilite"? A. I think it's a misspelling of "amphibolite." Q. And this is a summary of the test results that we were just looking at a few minutes ago, the table we were just looking at a few minutes minutes ago, correct? A. I don't know. There's no other address and the dates and a bunch of ones and zeros. Q. What is "amphobilite"? A. I think it's a misspelling of "amphibolite." Q. What's amphibolite? A. Amphibolite is a general term of rock composed of amphibole minerals. (Exhibit 40 was marked for identification.) Q. (By Ms. O'Dell) Let me ask you to look at Exhibit 40. Have you seen this document before today? A. Yes, but it's been some time since I've	10	front of you.	10	that?
three pages in from the back, see that? 13 A. I think it's a misspelling of 14 "amphibolite." 15 Q. And this is a summary of the test 16 results that we were just looking at a few minutes 17 ago, the table we were just looking at a few 18 minutes ago, correct? 19 A. I don't know. There's no other 20 description other than the column headers and the 21 dates and a bunch of ones and zeros. 22 Q. Let me just ask you this, then, because 13 A. I think it's a misspelling of "amphibolite." A. Amphibolite is a general term of rock composed of amphibole minerals. (Exhibit 40 was marked for identification.) Q. (By Ms. O'Dell) Let me ask you to look at Exhibit 40. Have you seen this document before today? A. Yes, but it's been some time since I've	11	A. Okay.	11	A. No.
14 A. Yes. 15 Q. And this is a summary of the test 16 results that we were just looking at a few minutes 17 ago, the table we were just looking at a few 18 minutes ago, correct? 19 A. I don't know. There's no other 20 description other than the column headers and the 21 dates and a bunch of ones and zeros. 22 Q. Let me just ask you this, then, because 14 "amphibolite." Q. What's amphibolite? A. Amphibolite is a general term of rock composed of amphibole minerals. (Exhibit 40 was marked for identification.) Q. (By Ms. O'Dell) Let me ask you to look at Exhibit 40. Have you seen this document before today? A. Yes, but it's been some time since I've	12	Q. And if you'll go to the back and count	12	Q. What is "amphobilite"?
Q. And this is a summary of the test results that we were just looking at a few minutes ago, the table we were just looking at a few minutes minutes ago, correct? A. Amphibolite is a general term of rock composed of amphibole minerals. Results that we were just looking at a few minutes ago, the table we were just looking at a few minutes ago, correct? A. I don't know. There's no other process of the proce	13	three pages in from the back, see that?	13	A. I think it's a misspelling of
results that we were just looking at a few minutes ago, the table we were just looking at a few minutes ago, the table we were just looking at a few minutes ago, correct? 18 minutes ago, correct? 18 (Exhibit 40 was marked for identification.) 19 A. I don't know. There's no other description other than the column headers and the dates and a bunch of ones and zeros. 20 Q. Let me just ask you this, then, because 16 A. Amphibolite is a general term of rock composed of amphibole minerals. 18 (Exhibit 40 was marked for identification.) 20 Q. (By Ms. O'Dell) Let me ask you to look at Exhibit 40. 21 Have you seen this document before today? 22 A. Yes, but it's been some time since I've	14	A. Yes.	14	"amphibolite."
results that we were just looking at a few minutes ago, the table we were just looking at a few minutes ago, the table we were just looking at a few composed of amphibole minerals. 18 minutes ago, correct? 18 (Exhibit 40 was marked for identification.) 19 A. I don't know. There's no other description other than the column headers and the dates and a bunch of ones and zeros. 20 Q. Let me just ask you this, then, because 16 A. Amphibolite is a general term of rock composed of amphibole minerals. (Exhibit 40 was marked for identification.) Q. (By Ms. O'Dell) Let me ask you to look at Exhibit 40. Have you seen this document before today? A. Yes, but it's been some time since I've	15	Q. And this is a summary of the test	15	Q. What's amphibolite?
ago, the table we were just looking at a few minutes ago, correct? 18 minutes ago, correct? 19 A. I don't know. There's no other description other than the column headers and the dates and a bunch of ones and zeros. 20 Q. Let me just ask you this, then, because 17 composed of amphibole minerals. (Exhibit 40 was marked for identification.) Q. (By Ms. O'Dell) Let me ask you to look at Exhibit 40. Have you seen this document before today? A. Yes, but it's been some time since I've	16	results that we were just looking at a few minutes	16	A. Amphibolite is a general term of rock
A. I don't know. There's no other description other than the column headers and the dates and a bunch of ones and zeros. Q. (By Ms. O'Dell) Let me ask you to look at Exhibit 40. Have you seen this document before today? Q. Let me just ask you this, then, because A. Yes, but it's been some time since I've	17		17	composed of amphibole minerals.
description other than the column headers and the dates and a bunch of ones and zeros. 21 dates and a bunch of ones and zeros. 22 Q. Let me just ask you this, then, because 22 A. Yes, but it's been some time since I've	18	minutes ago, correct?	18	(Exhibit 40 was marked for identification.)
dates and a bunch of ones and zeros. 21 Have you seen this document before today? Q. Let me just ask you this, then, because 22 A. Yes, but it's been some time since I've	19	A. I don't know. There's no other	19	Q. (By Ms. O'Dell) Let me ask you to look
dates and a bunch of ones and zeros. 21 Have you seen this document before today? 22 Q. Let me just ask you this, then, because 23 A. Yes, but it's been some time since I've	20	description other than the column headers and the	20	at Exhibit 40.
Q. Let me just ask you this, then, because 22 A. Yes, but it's been some time since I've	21	_	21	Have you seen this document before today?
	22	Q. Let me just ask you this, then, because	22	
· · · · · · · · · · · · · · · · · · ·	1		23	seen it.
24 represent to you I believe it to be a summary of 24 Q. Did you review it in preparation for	23	we won't take the time to the it back, but I ii	23	*****
25 the results. 25 your deposition?				

20 (Pages 332 to 335)

	Page 336		Page 338
1	A. I don't recall.	1	A. What's your exhibit number?
2	Q. If you'll turn over to page 2 of the	2	Q. If you'll go back to the exhibit so I
3	exhibit, and if you'll just identify the document	3	can identify it for you.
4	as you're turning to that page. This is a Luzenac	4	Well, I'm going to ask you in two ways. You
5	North America standard operation procedure, and the	5	recall me showing you a technical report where
6	title of which is "Control of Non-Conforming	6	tremolite was found in talc mined from Argonaut.
7	Product"; do you see that?	7	Do you recall that just a few minutes ago?
8	A. Yes.	8	MR. PROST: Object to form.
9	Q. And so you'd agree with me that this is	9	A. Let's see the document.
10	an Imerys standard operating procedure?	10	Q. (By Ms. O'Dell) You don't remember
11	A. Yes.	11	that? Yeah. Well, I failed to put the exhibit
12	Q. And it defines "nonconforming products";	12	number on my copy, so if you'll just keep sifting
13	do you see that?	13	backwards, I'll tell you it's just a few exhibits
14	A. I see the header, yes.	14	earlier. Okay. Keep going. There you go. It's
15	Q. And it says, "Nonconforming products	15	Exhibit what's the Exhibit Number, please?
16	include conditions where," and the first bullet is,	16	A. 34.
17	"Product characteristics are out of specification";	17	Q. 34.
18	do you see that?	18	When Imerys when their own lab tested
19	A. Yes.	19	talc from Argonaut and identified and confirmed
20	Q. If asbestos is found in talc, that would	20	tremolite roughly approximated to be 4 percent of
21	be out of specification, true?	21	that particular sample, did Imerys contact J&J and
22	A. If a detectible amount, meaning above	22	say, "Hey, we found tremolite in our talc. This
23	the detection limit, that would mean that it's out	23	may be a problem"?
24	of specification.	24	MR. PROST: Object to form. That misstates
25	Q. If talc provided to Johnson & Johnson	25	what it says.
	Page 337		Page 339
1	contains asbestos, it would be out of	1	A. This is from a sample from drilling.
2	specification?	2	It's not finished-product sample.
3	A. Yes.	3	Q. (By Ms. O'Dell) Imerys did not, to your
4	Q. And if a product is out of	4	knowledge, contact J&J and say, "We have found
5	specification, then Imerys would have the duty,	5	tremolite from a sample of the Argonaut Mine,"
6	under this standard operating procedure, to notify	6	correct?
7	the customer, or, in this case, Johnson & Johnson,	7	MR. PROST: Object to form.
8	correct?	8	A. This is from a drilling sample. It's
9	MR. PROST: Object to form.	9	not finished product. This is not from grade 66.
10	A. It's been a while since I've read that.	10	Q. (By Ms. O'Dell) So it's your
11	If you're saying that that's what it says in here,	11	understanding they did not contact
1 2			E j
12	maybe we can read it.	12	Johnson & Johnson, and you don't think they should
13	maybe we can read it. Q. (By Ms. O'Dell) Okay. If you'll turn	12 13	
	•		Johnson & Johnson, and you don't think they should
13	Q. (By Ms. O'Dell) Okay. If you'll turn	13	Johnson & Johnson, and you don't think they should have?
13 14	Q. (By Ms. O'Dell) Okay. If you'll turn to Bates number ending 246, do you see that? It	13 14	Johnson & Johnson, and you don't think they should have? A. I don't know if they did or didn't, but
13 14 15	Q. (By Ms. O'Dell) Okay. If you'll turn to Bates number ending 246, do you see that? It says "Responsibilities"? A. Yes. Q. And it says, "Quality Management	13 14 15	Johnson & Johnson, and you don't think they should have? A. I don't know if they did or didn't, but it wouldn't have been required.
13 14 15 16	Q. (By Ms. O'Dell) Okay. If you'll turn to Bates number ending 246, do you see that? It says "Responsibilities"? A. Yes.	13 14 15 16	Johnson & Johnson, and you don't think they should have? A. I don't know if they did or didn't, but it wouldn't have been required. Q. When the chrysotile fibers that we just
13 14 15 16 17	Q. (By Ms. O'Dell) Okay. If you'll turn to Bates number ending 246, do you see that? It says "Responsibilities"? A. Yes. Q. And it says, "Quality Management Representative Authority and Accountability," and bullet number two, it says, "Notify the customer if	13 14 15 16 17	Johnson & Johnson, and you don't think they should have? A. I don't know if they did or didn't, but it wouldn't have been required. Q. When the chrysotile fibers that we just discussed in Exhibit 38 a few minutes ago were
13 14 15 16 17 18	Q. (By Ms. O'Dell) Okay. If you'll turn to Bates number ending 246, do you see that? It says "Responsibilities"? A. Yes. Q. And it says, "Quality Management Representative Authority and Accountability," and bullet number two, it says, "Notify the customer if nonconforming product has already shipped to them	13 14 15 16 17	Johnson & Johnson, and you don't think they should have? A. I don't know if they did or didn't, but it wouldn't have been required. Q. When the chrysotile fibers that we just discussed in Exhibit 38 a few minutes ago were identified by Imerys' lab they did a TEM asbestos analysis. When they identified chrysotile structures,
13 14 15 16 17 18 19 20 21	Q. (By Ms. O'Dell) Okay. If you'll turn to Bates number ending 246, do you see that? It says "Responsibilities"? A. Yes. Q. And it says, "Quality Management Representative Authority and Accountability," and bullet number two, it says, "Notify the customer if	13 14 15 16 17 18 19 20 21	Johnson & Johnson, and you don't think they should have? A. I don't know if they did or didn't, but it wouldn't have been required. Q. When the chrysotile fibers that we just discussed in Exhibit 38 a few minutes ago were identified by Imerys' lab they did a TEM asbestos analysis. When they identified chrysotile structures, did they inform J&J of the results of those tests?
13 14 15 16 17 18 19 20 21 22	Q. (By Ms. O'Dell) Okay. If you'll turn to Bates number ending 246, do you see that? It says "Responsibilities"? A. Yes. Q. And it says, "Quality Management Representative Authority and Accountability," and bullet number two, it says, "Notify the customer if nonconforming product has already shipped to them in order to prevent or stop use"? A. Yes.	13 14 15 16 17 18 19 20 21	Johnson & Johnson, and you don't think they should have? A. I don't know if they did or didn't, but it wouldn't have been required. Q. When the chrysotile fibers that we just discussed in Exhibit 38 a few minutes ago were identified by Imerys' lab they did a TEM asbestos analysis. When they identified chrysotile structures, did they inform J&J of the results of those tests? MR. PROST: Object to form. This is Julie
13 14 15 16 17 18 19 20 21 22 23	Q. (By Ms. O'Dell) Okay. If you'll turn to Bates number ending 246, do you see that? It says "Responsibilities"? A. Yes. Q. And it says, "Quality Management Representative Authority and Accountability," and bullet number two, it says, "Notify the customer if nonconforming product has already shipped to them in order to prevent or stop use"? A. Yes. Q. We just reviewed, previously, a report,	13 14 15 16 17 18 19 20 21 22 23	Johnson & Johnson, and you don't think they should have? A. I don't know if they did or didn't, but it wouldn't have been required. Q. When the chrysotile fibers that we just discussed in Exhibit 38 a few minutes ago were identified by Imerys' lab they did a TEM asbestos analysis. When they identified chrysotile structures, did they inform J&J of the results of those tests? MR. PROST: Object to form. This is Julie Pier's scope of testimony.
13 14 15 16 17 18 19 20 21 22	Q. (By Ms. O'Dell) Okay. If you'll turn to Bates number ending 246, do you see that? It says "Responsibilities"? A. Yes. Q. And it says, "Quality Management Representative Authority and Accountability," and bullet number two, it says, "Notify the customer if nonconforming product has already shipped to them in order to prevent or stop use"? A. Yes.	13 14 15 16 17 18 19 20 21	Johnson & Johnson, and you don't think they should have? A. I don't know if they did or didn't, but it wouldn't have been required. Q. When the chrysotile fibers that we just discussed in Exhibit 38 a few minutes ago were identified by Imerys' lab they did a TEM asbestos analysis. When they identified chrysotile structures, did they inform J&J of the results of those tests? MR. PROST: Object to form. This is Julie

21 (Pages 336 to 339)

	Page 340		Page 342
1	Mr. Downey about is a quality-assurance standard	1	the question, sir?
2	operating procedure that is within his scope.	2	MR. PROST: Can we clarify what the question
3	Q. (By Ms. O'Dell) So I'm asking, did	3	is at this point?
4	Imerys follow its own quality-control standard	4	Q. (By Ms. O'Dell) Did Imerys comply with
5	operating procedure and contact Johnson & Johnson	5	its control of nonconforming product standard
6	when there were positive identification of	6	operating procedure and inform Johnson & Johnson
7	chrysotile in grade 66 talc?	7	when chrysotile structures were identified in grade
8	MR. PROST: It may be possible that this	8	66 talc?
9	policy falls within his category; however, the	9	MR. PROST: Object to form.
10	results of testing, I believe, fall within Julie	10	MR. LOCKE: Objection.
11	Pier's category, so she will speak for the company	11	Q. (By Ms. O'Dell) And the answer
12	and answer that question.	12	yes you may explain your answer, but it's "yes,"
13	MS. O'DELL: No, no, no, that's not I'm	13	"no," "I don't know."
14	not asking him to comment on the veracity of the	14	MR. PROST: That's not true because it was a
15	test or accuracy. I'm not asking about that. I'm	15	compound question. He can't answer it
16	asking, did they comply and this is within his	16	MS. O'DELL: It was not a compound question.
17	area that he's been put up.	17	Object to form.
18	Q. (By Ms. O'Dell) Did Johnson & Johnson	18	Q. (By Ms. O'Dell) And you may answer the
19	comply with the nonconforming product standard	19	question.
20	operating procedure and excuse me. Let me	20	MR. PROST: It was a compound question.
21	strike that. Start again.	21	Whether or not someone informs someone of something
22	Did Imerys comply with its own	22	is different than whether or not you're complying
23	non-conforming product standard operating procedure		with a policy which depends on the results as
24	and notify Johnson & Johnson when chrysotile	24	interpreted by Julie Pier. The question's
25	structures were identified in grade 66 talc?	25	completely misleading.
	Page 341		Page 343
1	MR. PROST: Object to form.	1	MS. O'DELL: No, it's not. It's absolutely
2	Q. (By Ms. O'Dell) True or false?	2	not misleading. But I'll break it apart. I'm
3	MR. LOCKE: Objection; asked and answered.	3	happy to.
4	Q. (By Ms. O'Dell) Yes or no?	4	MR. PROST: Please. Thank you.
5	A. Chrysotile was not detected in the	5	Q. (By Ms. O'Dell) Did Imerys inform
6	sample.	6	Johnson & Johnson that it found chrysotile
7	Q. I didn't I said "chrysotile	7	structures in grade 66 talc?
8	structures." And they and we have been through	8	MR. PROST: Object to form.
9	this. Chrysotile structures were identified in the		WIK. I KOST. Object to form.
_		1 9	A I believe Julie Pier would know that I
1.0	•	9	A. I believe Julie Pier would know that. I
10	sample.	10	don't know.
11	sample. When this occurred, did Imerys, in	10 11	don't know. Q. (By Ms. O'Dell) And if Imerys failed to
11 12	sample. When this occurred, did Imerys, in compliance with its own standard operating	10 11 12	don't know. Q. (By Ms. O'Dell) And if Imerys failed to inform Johnson & Johnson of these test results
11 12 13	sample. When this occurred, did Imerys, in compliance with its own standard operating procedure, inform Johnson & Johnson?	10 11 12 13	don't know. Q. (By Ms. O'Dell) And if Imerys failed to inform Johnson & Johnson of these test results where chrysotile fibers were identified, that would
11 12 13 14	sample. When this occurred, did Imerys, in compliance with its own standard operating procedure, inform Johnson & Johnson? MR. PROST: Object to form.	10 11 12 13 14	don't know. Q. (By Ms. O'Dell) And if Imerys failed to inform Johnson & Johnson of these test results where chrysotile fibers were identified, that would be in violation of Imerys' internal policy
11 12 13 14 15	sample. When this occurred, did Imerys, in compliance with its own standard operating procedure, inform Johnson & Johnson? MR. PROST: Object to form. A. I believe Julie Pier would know.	10 11 12 13 14	don't know. Q. (By Ms. O'Dell) And if Imerys failed to inform Johnson & Johnson of these test results where chrysotile fibers were identified, that would be in violation of Imerys' internal policy regarding nonconforming products, correct?
11 12 13 14 15	sample. When this occurred, did Imerys, in compliance with its own standard operating procedure, inform Johnson & Johnson? MR. PROST: Object to form. A. I believe Julie Pier would know. Q. (By Ms. O'Dell) This is within your	10 11 12 13 14 15	don't know. Q. (By Ms. O'Dell) And if Imerys failed to inform Johnson & Johnson of these test results where chrysotile fibers were identified, that would be in violation of Imerys' internal policy regarding nonconforming products, correct? MR. PROST: Object to form.
11 12 13 14 15 16 17	sample. When this occurred, did Imerys, in compliance with its own standard operating procedure, inform Johnson & Johnson? MR. PROST: Object to form. A. I believe Julie Pier would know. Q. (By Ms. O'Dell) This is within your area, sir.	10 11 12 13 14 15 16	don't know. Q. (By Ms. O'Dell) And if Imerys failed to inform Johnson & Johnson of these test results where chrysotile fibers were identified, that would be in violation of Imerys' internal policy regarding nonconforming products, correct? MR. PROST: Object to form. A. No.
11 12 13 14 15 16 17	sample. When this occurred, did Imerys, in compliance with its own standard operating procedure, inform Johnson & Johnson? MR. PROST: Object to form. A. I believe Julie Pier would know. Q. (By Ms. O'Dell) This is within your area, sir. And the answer is there were three	10 11 12 13 14 15 16 17	don't know. Q. (By Ms. O'Dell) And if Imerys failed to inform Johnson & Johnson of these test results where chrysotile fibers were identified, that would be in violation of Imerys' internal policy regarding nonconforming products, correct? MR. PROST: Object to form. A. No. Q. (By Ms. O'Dell) Let me ask you to put
11 12 13 14 15 16 17 18	sample. When this occurred, did Imerys, in compliance with its own standard operating procedure, inform Johnson & Johnson? MR. PROST: Object to form. A. I believe Julie Pier would know. Q. (By Ms. O'Dell) This is within your area, sir. And the answer is there were three possible answers: "Yes, Imerys informed J&J," "No,	10 11 12 13 14 15 16 17 18	don't know. Q. (By Ms. O'Dell) And if Imerys failed to inform Johnson & Johnson of these test results where chrysotile fibers were identified, that would be in violation of Imerys' internal policy regarding nonconforming products, correct? MR. PROST: Object to form. A. No. Q. (By Ms. O'Dell) Let me ask you to put that aside, Mr. Downey. I'm going to transition to
11 12 13 14 15 16 17 18 19 20	sample. When this occurred, did Imerys, in compliance with its own standard operating procedure, inform Johnson & Johnson? MR. PROST: Object to form. A. I believe Julie Pier would know. Q. (By Ms. O'Dell) This is within your area, sir. And the answer is there were three possible answers: "Yes, Imerys informed J&J," "No, Imerys did not inform J&J," or, "I don't know."	10 11 12 13 14 15 16 17 18 19 20	don't know. Q. (By Ms. O'Dell) And if Imerys failed to inform Johnson & Johnson of these test results where chrysotile fibers were identified, that would be in violation of Imerys' internal policy regarding nonconforming products, correct? MR. PROST: Object to form. A. No. Q. (By Ms. O'Dell) Let me ask you to put that aside, Mr. Downey. I'm going to transition to a new topic. We've spent a long time on Argonaut.
11 12 13 14 15 16 17 18 19 20 21	sample. When this occurred, did Imerys, in compliance with its own standard operating procedure, inform Johnson & Johnson? MR. PROST: Object to form. A. I believe Julie Pier would know. Q. (By Ms. O'Dell) This is within your area, sir. And the answer is there were three possible answers: "Yes, Imerys informed J&J," "No, Imerys did not inform J&J," or, "I don't know." So	10 11 12 13 14 15 16 17 18 19 20 21	don't know. Q. (By Ms. O'Dell) And if Imerys failed to inform Johnson & Johnson of these test results where chrysotile fibers were identified, that would be in violation of Imerys' internal policy regarding nonconforming products, correct? MR. PROST: Object to form. A. No. Q. (By Ms. O'Dell) Let me ask you to put that aside, Mr. Downey. I'm going to transition to a new topic. We've spent a long time on Argonaut. Now let's move to China, shall we? The topic, not
11 12 13 14 15 16 17 18 19 20 21 22	sample. When this occurred, did Imerys, in compliance with its own standard operating procedure, inform Johnson & Johnson? MR. PROST: Object to form. A. I believe Julie Pier would know. Q. (By Ms. O'Dell) This is within your area, sir. And the answer is there were three possible answers: "Yes, Imerys informed J&J," "No, Imerys did not inform J&J," or, "I don't know." So MR. PROST: That's a different question.	10 11 12 13 14 15 16 17 18 19 20 21 22	don't know. Q. (By Ms. O'Dell) And if Imerys failed to inform Johnson & Johnson of these test results where chrysotile fibers were identified, that would be in violation of Imerys' internal policy regarding nonconforming products, correct? MR. PROST: Object to form. A. No. Q. (By Ms. O'Dell) Let me ask you to put that aside, Mr. Downey. I'm going to transition to a new topic. We've spent a long time on Argonaut. Now let's move to China, shall we? The topic, not the country, okay?
11 12 13 14 15 16 17 18 19 20 21 22 23	sample. When this occurred, did Imerys, in compliance with its own standard operating procedure, inform Johnson & Johnson? MR. PROST: Object to form. A. I believe Julie Pier would know. Q. (By Ms. O'Dell) This is within your area, sir. And the answer is there were three possible answers: "Yes, Imerys informed J&J," "No, Imerys did not inform J&J," or, "I don't know." So MR. PROST: That's a different question. That is a different question.	10 11 12 13 14 15 16 17 18 19 20 21 22 23	don't know. Q. (By Ms. O'Dell) And if Imerys failed to inform Johnson & Johnson of these test results where chrysotile fibers were identified, that would be in violation of Imerys' internal policy regarding nonconforming products, correct? MR. PROST: Object to form. A. No. Q. (By Ms. O'Dell) Let me ask you to put that aside, Mr. Downey. I'm going to transition to a new topic. We've spent a long time on Argonaut. Now let's move to China, shall we? The topic, not the country, okay? We talked a bit about China yesterday. And
11 12 13 14 15 16 17 18 19 20 21 22	sample. When this occurred, did Imerys, in compliance with its own standard operating procedure, inform Johnson & Johnson? MR. PROST: Object to form. A. I believe Julie Pier would know. Q. (By Ms. O'Dell) This is within your area, sir. And the answer is there were three possible answers: "Yes, Imerys informed J&J," "No, Imerys did not inform J&J," or, "I don't know." So MR. PROST: That's a different question.	10 11 12 13 14 15 16 17 18 19 20 21 22	don't know. Q. (By Ms. O'Dell) And if Imerys failed to inform Johnson & Johnson of these test results where chrysotile fibers were identified, that would be in violation of Imerys' internal policy regarding nonconforming products, correct? MR. PROST: Object to form. A. No. Q. (By Ms. O'Dell) Let me ask you to put that aside, Mr. Downey. I'm going to transition to a new topic. We've spent a long time on Argonaut. Now let's move to China, shall we? The topic, not the country, okay?

22 (Pages 340 to 343)

	Page 344		Page 346
1	were trying to get straight where talc that was	1	A. Can you expand that a little bit more?
2	used to source Johnson's Baby Powder products was	2	That's a ways away for me.
3	mined. And I believe you testified it was the	3	Q. Is that better?
4	Jizhua Mine where talc sold by Imerys for J&J	4	A. Yes.
5	products was mined; is that fair?	5	Q. Okay. So my specific question is, was
6	A. I'd defer to the note that I took for	6	Guangxi number 1 crude the talc ore that was sold
7	the name of the mine.	7	to Johnson & Johnson for purposes of manufacturing
8	Q. Okay. All right. Why don't we I	8	their Baby Powder or talcum-powder products?
9	think it was	9	A. It's my understanding that Guangxi
10	A. I'm sure it's at the bottom of the	10	number 2 is the ore that we used for that.
11	stack.	11	Q. All right. So just to recap, Guilin is
12	Q. Exhibit 6. What's the name of the mine?	12	the mining company for sure?
13	A. Can I just spell it for you instead of	13	A. Guilin Guiguang, yes.
14	pronouncing it?	14	Q. And the mine is Jizhua. Right there.
15	Q. That'd be fine.	15	That's the spelling. It's on this document.
16	A. Thank you. J-i-z-h-u-a.	16	A. I don't think you're projecting
17	Q. Jizhua?	17	Q. Sorry. The Jizhua quarry.
18	A. Hmm?	18	MR. SILVER: While the witness is reviewing,
19	Q. Jizhua. Is that a fair pronunciation?	19	I'm just going to let all counsel know lunch is
20	A. To me, that looks like a J, not a Z, so	20	here. I know we got delayed by the fire drill, so
21	I don't know how you're getting "Zhizhua" out of	21	I will, hey, defer to the witness on whether he
22	it.	22	needs to break, and then when you guys are ready.
23	(Exhibit 41 was marked for identification.)	23	Q. (By Ms. O'Dell) Mr. Downey, do you need
24	Q. (By Ms. O'Dell) Okay. This may help.	24	a break?
25	I'm going to show this to you. I'll hand it to	25	A. Pardon?
	Page 345	_	Page 347
1	you. Actually, it was a part of a document, and it	1	Q. Would you like to break for lunch?
2	had a list of the producers, the sellers and other	2	A C TC:-I 1
3			A. Sure. If it's ready.
	sort of main players, and that seemed to be a good	3	MR. SILVER: Yeah.
4	idea to bring to the deposition, just because	3 4	MR. SILVER: Yeah. THE WITNESS: I wasn't listening. I was
5	idea to bring to the deposition, just because they're difficult names. So I want to walk through	3 4 5	MR. SILVER: Yeah. THE WITNESS: I wasn't listening. I was trying to
5 6	idea to bring to the deposition, just because they're difficult names. So I want to walk through it real quickly to make sure we have the players	3 4 5 6	MR. SILVER: Yeah. THE WITNESS: I wasn't listening. I was trying to MR. SILVER: It's ready, but we're going to
5 6 7	idea to bring to the deposition, just because they're difficult names. So I want to walk through it real quickly to make sure we have the players defined. So I'm going to make it a little bit	3 4 5 6 7	MR. SILVER: Yeah. THE WITNESS: I wasn't listening. I was trying to MR. SILVER: It's ready, but we're going to go on your schedule. If you want to keep going, we
5 6 7 8	idea to bring to the deposition, just because they're difficult names. So I want to walk through it real quickly to make sure we have the players defined. So I'm going to make it a little bit bigger. It's a one-page document. Talks about	3 4 5 6 7 8	MR. SILVER: Yeah. THE WITNESS: I wasn't listening. I was trying to MR. SILVER: It's ready, but we're going to go on your schedule. If you want to keep going, we keep going. If you want to do lunch, we can do
5 6 7 8 9	idea to bring to the deposition, just because they're difficult names. So I want to walk through it real quickly to make sure we have the players defined. So I'm going to make it a little bit bigger. It's a one-page document. Talks about producers.	3 4 5 6 7 8 9	MR. SILVER: Yeah. THE WITNESS: I wasn't listening. I was trying to MR. SILVER: It's ready, but we're going to go on your schedule. If you want to keep going, we keep going. If you want to do lunch, we can do lunch.
5 6 7 8 9	idea to bring to the deposition, just because they're difficult names. So I want to walk through it real quickly to make sure we have the players defined. So I'm going to make it a little bit bigger. It's a one-page document. Talks about producers. And I understand the mining company, based	3 4 5 6 7 8 9	MR. SILVER: Yeah. THE WITNESS: I wasn't listening. I was trying to MR. SILVER: It's ready, but we're going to go on your schedule. If you want to keep going, we keep going. If you want to do lunch, we can do lunch. THE WITNESS: Well, we've been going now for
5 6 7 8 9 10	idea to bring to the deposition, just because they're difficult names. So I want to walk through it real quickly to make sure we have the players defined. So I'm going to make it a little bit bigger. It's a one-page document. Talks about producers. And I understand the mining company, based on your testimony yesterday, was the Guilin	3 4 5 6 7 8 9 10	MR. SILVER: Yeah. THE WITNESS: I wasn't listening. I was trying to MR. SILVER: It's ready, but we're going to go on your schedule. If you want to keep going, we keep going. If you want to do lunch, we can do lunch. THE WITNESS: Well, we've been going now for about an hour and a half or so, so
5 6 7 8 9 10 11	idea to bring to the deposition, just because they're difficult names. So I want to walk through it real quickly to make sure we have the players defined. So I'm going to make it a little bit bigger. It's a one-page document. Talks about producers. And I understand the mining company, based on your testimony yesterday, was the Guilin Guiguang Talc Development Company; is that correct?	3 4 5 6 7 8 9 10 11	MR. SILVER: Yeah. THE WITNESS: I wasn't listening. I was trying to MR. SILVER: It's ready, but we're going to go on your schedule. If you want to keep going, we keep going. If you want to do lunch, we can do lunch. THE WITNESS: Well, we've been going now for about an hour and a half or so, so VIDEOGRAPHER: We're going off the record at
5 6 7 8 9 10 11 12 13	idea to bring to the deposition, just because they're difficult names. So I want to walk through it real quickly to make sure we have the players defined. So I'm going to make it a little bit bigger. It's a one-page document. Talks about producers. And I understand the mining company, based on your testimony yesterday, was the Guilin Guiguang Talc Development Company; is that correct? A. I think you even pronounced it	3 4 5 6 7 8 9 10 11 12	MR. SILVER: Yeah. THE WITNESS: I wasn't listening. I was trying to MR. SILVER: It's ready, but we're going to go on your schedule. If you want to keep going, we keep going. If you want to do lunch, we can do lunch. THE WITNESS: Well, we've been going now for about an hour and a half or so, so VIDEOGRAPHER: We're going off the record at 12:30.
5 6 7 8 9 10 11 12 13	idea to bring to the deposition, just because they're difficult names. So I want to walk through it real quickly to make sure we have the players defined. So I'm going to make it a little bit bigger. It's a one-page document. Talks about producers. And I understand the mining company, based on your testimony yesterday, was the Guilin Guiguang Talc Development Company; is that correct? A. I think you even pronounced it correctly.	3 4 5 6 7 8 9 10 11 12 13	MR. SILVER: Yeah. THE WITNESS: I wasn't listening. I was trying to MR. SILVER: It's ready, but we're going to go on your schedule. If you want to keep going, we keep going. If you want to do lunch, we can do lunch. THE WITNESS: Well, we've been going now for about an hour and a half or so, so VIDEOGRAPHER: We're going off the record at 12:30. (Recess taken.)
5 6 7 8 9 10 11 12 13 14	idea to bring to the deposition, just because they're difficult names. So I want to walk through it real quickly to make sure we have the players defined. So I'm going to make it a little bit bigger. It's a one-page document. Talks about producers. And I understand the mining company, based on your testimony yesterday, was the Guilin Guiguang Talc Development Company; is that correct? A. I think you even pronounced it correctly. MR. PROST: Leigh, what's the Bates number	3 4 5 6 7 8 9 10 11 12 13 14 15	MR. SILVER: Yeah. THE WITNESS: I wasn't listening. I was trying to MR. SILVER: It's ready, but we're going to go on your schedule. If you want to keep going, we keep going. If you want to do lunch, we can do lunch. THE WITNESS: Well, we've been going now for about an hour and a half or so, so VIDEOGRAPHER: We're going off the record at 12:30. (Recess taken.) VIDEOGRAPHER: We are back on the record at
5 6 7 8 9 10 11 12 13 14 15	idea to bring to the deposition, just because they're difficult names. So I want to walk through it real quickly to make sure we have the players defined. So I'm going to make it a little bit bigger. It's a one-page document. Talks about producers. And I understand the mining company, based on your testimony yesterday, was the Guilin Guiguang Talc Development Company; is that correct? A. I think you even pronounced it correctly. MR. PROST: Leigh, what's the Bates number on this?	3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR. SILVER: Yeah. THE WITNESS: I wasn't listening. I was trying to MR. SILVER: It's ready, but we're going to go on your schedule. If you want to keep going, we keep going. If you want to do lunch, we can do lunch. THE WITNESS: Well, we've been going now for about an hour and a half or so, so VIDEOGRAPHER: We're going off the record at 12:30. (Recess taken.) VIDEOGRAPHER: We are back on the record at 1:17.
5 6 7 8 9 10 11 12 13 14 15 16 17	idea to bring to the deposition, just because they're difficult names. So I want to walk through it real quickly to make sure we have the players defined. So I'm going to make it a little bit bigger. It's a one-page document. Talks about producers. And I understand the mining company, based on your testimony yesterday, was the Guilin Guiguang Talc Development Company; is that correct? A. I think you even pronounced it correctly. MR. PROST: Leigh, what's the Bates number on this? MS. O'DELL: It is IMERYS 061692.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR. SILVER: Yeah. THE WITNESS: I wasn't listening. I was trying to MR. SILVER: It's ready, but we're going to go on your schedule. If you want to keep going, we keep going. If you want to do lunch, we can do lunch. THE WITNESS: Well, we've been going now for about an hour and a half or so, so VIDEOGRAPHER: We're going off the record at 12:30. (Recess taken.) VIDEOGRAPHER: We are back on the record at 1:17. Q. (By Ms. O'Dell) Mr. Downey, we were
5 6 7 8 9 10 11 12 13 14 15 16 17	idea to bring to the deposition, just because they're difficult names. So I want to walk through it real quickly to make sure we have the players defined. So I'm going to make it a little bit bigger. It's a one-page document. Talks about producers. And I understand the mining company, based on your testimony yesterday, was the Guilin Guiguang Talc Development Company; is that correct? A. I think you even pronounced it correctly. MR. PROST: Leigh, what's the Bates number on this? MS. O'DELL: It is IMERYS 061692. Q. (By Ms. O'Dell) And that's the company	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. SILVER: Yeah. THE WITNESS: I wasn't listening. I was trying to MR. SILVER: It's ready, but we're going to go on your schedule. If you want to keep going, we keep going. If you want to do lunch, we can do lunch. THE WITNESS: Well, we've been going now for about an hour and a half or so, so VIDEOGRAPHER: We're going off the record at 12:30. (Recess taken.) VIDEOGRAPHER: We are back on the record at 1:17. Q. (By Ms. O'Dell) Mr. Downey, we were talking about the mine from which talc was sourced
5 6 7 8 9 10 11 12 13 14 15 16 17 18	idea to bring to the deposition, just because they're difficult names. So I want to walk through it real quickly to make sure we have the players defined. So I'm going to make it a little bit bigger. It's a one-page document. Talks about producers. And I understand the mining company, based on your testimony yesterday, was the Guilin Guiguang Talc Development Company; is that correct? A. I think you even pronounced it correctly. MR. PROST: Leigh, what's the Bates number on this? MS. O'DELL: It is IMERYS 061692. Q. (By Ms. O'Dell) And that's the company that Imerys purchased the talc from, correct?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. SILVER: Yeah. THE WITNESS: I wasn't listening. I was trying to MR. SILVER: It's ready, but we're going to go on your schedule. If you want to keep going, we keep going. If you want to do lunch, we can do lunch. THE WITNESS: Well, we've been going now for about an hour and a half or so, so VIDEOGRAPHER: We're going off the record at 12:30. (Recess taken.) VIDEOGRAPHER: We are back on the record at 1:17. Q. (By Ms. O'Dell) Mr. Downey, we were talking about the mine from which talc was sourced for purposes of Johnson & Johnson products. And we
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	idea to bring to the deposition, just because they're difficult names. So I want to walk through it real quickly to make sure we have the players defined. So I'm going to make it a little bit bigger. It's a one-page document. Talks about producers. And I understand the mining company, based on your testimony yesterday, was the Guilin Guiguang Talc Development Company; is that correct? A. I think you even pronounced it correctly. MR. PROST: Leigh, what's the Bates number on this? MS. O'DELL: It is IMERYS 061692. Q. (By Ms. O'Dell) And that's the company that Imerys purchased the talc from, correct? A. Yes.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. SILVER: Yeah. THE WITNESS: I wasn't listening. I was trying to MR. SILVER: It's ready, but we're going to go on your schedule. If you want to keep going, we keep going. If you want to do lunch, we can do lunch. THE WITNESS: Well, we've been going now for about an hour and a half or so, so VIDEOGRAPHER: We're going off the record at 12:30. (Recess taken.) VIDEOGRAPHER: We are back on the record at 1:17. Q. (By Ms. O'Dell) Mr. Downey, we were talking about the mine from which talc was sourced for purposes of Johnson & Johnson products. And we ended before lunch identifying that mine as the
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	idea to bring to the deposition, just because they're difficult names. So I want to walk through it real quickly to make sure we have the players defined. So I'm going to make it a little bit bigger. It's a one-page document. Talks about producers. And I understand the mining company, based on your testimony yesterday, was the Guilin Guiguang Talc Development Company; is that correct? A. I think you even pronounced it correctly. MR. PROST: Leigh, what's the Bates number on this? MS. O'DELL: It is IMERYS 061692. Q. (By Ms. O'Dell) And that's the company that Imerys purchased the talc from, correct? A. Yes. Q. And it goes on to say, the middle,	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. SILVER: Yeah. THE WITNESS: I wasn't listening. I was trying to MR. SILVER: It's ready, but we're going to go on your schedule. If you want to keep going, we keep going. If you want to do lunch, we can do lunch. THE WITNESS: Well, we've been going now for about an hour and a half or so, so VIDEOGRAPHER: We're going off the record at 12:30. (Recess taken.) VIDEOGRAPHER: We are back on the record at 1:17. Q. (By Ms. O'Dell) Mr. Downey, we were talking about the mine from which talc was sourced for purposes of Johnson & Johnson products. And we ended before lunch identifying that mine as the Zhizhua quarry. And it's Z-h-i-z-h-u. "Zhizhua"
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	idea to bring to the deposition, just because they're difficult names. So I want to walk through it real quickly to make sure we have the players defined. So I'm going to make it a little bit bigger. It's a one-page document. Talks about producers. And I understand the mining company, based on your testimony yesterday, was the Guilin Guiguang Talc Development Company; is that correct? A. I think you even pronounced it correctly. MR. PROST: Leigh, what's the Bates number on this? MS. O'DELL: It is IMERYS 061692. Q. (By Ms. O'Dell) And that's the company that Imerys purchased the talc from, correct? A. Yes. Q. And it goes on to say, the middle, "Luzenac," now Imerys, "is currently purchasing	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. SILVER: Yeah. THE WITNESS: I wasn't listening. I was trying to MR. SILVER: It's ready, but we're going to go on your schedule. If you want to keep going, we keep going. If you want to do lunch, we can do lunch. THE WITNESS: Well, we've been going now for about an hour and a half or so, so VIDEOGRAPHER: We're going off the record at 12:30. (Recess taken.) VIDEOGRAPHER: We are back on the record at 1:17. Q. (By Ms. O'Dell) Mr. Downey, we were talking about the mine from which talc was sourced for purposes of Johnson & Johnson products. And we ended before lunch identifying that mine as the Zhizhua quarry. And it's Z-h-i-z-h-u. "Zhizhua" is my pronunciation, for lack of that's my best
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	idea to bring to the deposition, just because they're difficult names. So I want to walk through it real quickly to make sure we have the players defined. So I'm going to make it a little bit bigger. It's a one-page document. Talks about producers. And I understand the mining company, based on your testimony yesterday, was the Guilin Guiguang Talc Development Company; is that correct? A. I think you even pronounced it correctly. MR. PROST: Leigh, what's the Bates number on this? MS. O'DELL: It is IMERYS 061692. Q. (By Ms. O'Dell) And that's the company that Imerys purchased the talc from, correct? A. Yes. Q. And it goes on to say, the middle, "Luzenac," now Imerys, "is currently purchasing 25,000 tons of Guangxi number 1 crude from seller,"	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. SILVER: Yeah. THE WITNESS: I wasn't listening. I was trying to MR. SILVER: It's ready, but we're going to go on your schedule. If you want to keep going, we keep going. If you want to do lunch, we can do lunch. THE WITNESS: Well, we've been going now for about an hour and a half or so, so VIDEOGRAPHER: We're going off the record at 12:30. (Recess taken.) VIDEOGRAPHER: We are back on the record at 1:17. Q. (By Ms. O'Dell) Mr. Downey, we were talking about the mine from which talc was sourced for purposes of Johnson & Johnson products. And we ended before lunch identifying that mine as the Zhizhua quarry. And it's Z-h-i-z-h-u. "Zhizhua" is my pronunciation, for lack of that's my best effort. I'll put it that way.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	idea to bring to the deposition, just because they're difficult names. So I want to walk through it real quickly to make sure we have the players defined. So I'm going to make it a little bit bigger. It's a one-page document. Talks about producers. And I understand the mining company, based on your testimony yesterday, was the Guilin Guiguang Talc Development Company; is that correct? A. I think you even pronounced it correctly. MR. PROST: Leigh, what's the Bates number on this? MS. O'DELL: It is IMERYS 061692. Q. (By Ms. O'Dell) And that's the company that Imerys purchased the talc from, correct? A. Yes. Q. And it goes on to say, the middle, "Luzenac," now Imerys, "is currently purchasing	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. SILVER: Yeah. THE WITNESS: I wasn't listening. I was trying to MR. SILVER: It's ready, but we're going to go on your schedule. If you want to keep going, we keep going. If you want to do lunch, we can do lunch. THE WITNESS: Well, we've been going now for about an hour and a half or so, so VIDEOGRAPHER: We're going off the record at 12:30. (Recess taken.) VIDEOGRAPHER: We are back on the record at 1:17. Q. (By Ms. O'Dell) Mr. Downey, we were talking about the mine from which talc was sourced for purposes of Johnson & Johnson products. And we ended before lunch identifying that mine as the Zhizhua quarry. And it's Z-h-i-z-h-u. "Zhizhua" is my pronunciation, for lack of that's my best

23 (Pages 344 to 347)

	Page 348		Page 350
1	China that sourced talc for Johnson & Johnson Baby	1	A. Jyrki?
2	Powder products?	2	Q. You talked to Mr. Bergstrom, Hans
3	A. The information that I obtained from	3	Bergstrom?
4	Mr. Bergstrom, whom we discussed yesterday, told me	4	A. Jyrki.
5	that Guangxi number 2 was sourced from a single	5	MR. SILVER: You are getting two
6	mine in the Longsheng District. And he spelled it	6	different you got the first name of one and the
7	J-i-z-h-u-a.	7	second name of another.
8	Q. Okay. And to your knowledge, was any	8	Q. (By Ms. O'Dell) Okay. Mr. Bergstrom
9	talc for Johnson's talcum-powder products supplied	9	A. We can settle on that.
10	from the Guping quarry? G-u-p-i-n-g.	10	Q. Yeah. What's his first name?
11	A. Not that I'm aware of.	11	A. Jyrki.
12	Q. Was there any talc for purposes of	12	Q. Oh, Jyrki. Okay.
13	John's talcum-powder products supplied from the	13	Mr. Bergstrom, who you spoke with about the
14	Shanglang quarry S-h-a-n-g-l-a-n-g quarry, to	14	Chinese operation, is an employee of Imerys Talc
15	your knowledge?	15	Europe, correct?
16	A. Not to my knowledge.	16	A. Yes. A French company.
17	Q. Lastly, was any talc for Johnson's	17	Q. And is that the and Mr. Bergstrom
18	talcum-powder products supplied from Tongzi quarry?	18	provided you with information about the Chinese
19	T-o-n-g-z-i.	19	mining operation, correct?
20	A. Not that I'm aware of.	20	A. Yes, he did.
21	Q. You testified yesterday that the Zhizhua	21	Q. And did you speak with anyone else or
22	mine was operated by the Guilin mining company,	22	review any other documents to educate yourself
23	correct?	23	about the mining operations in China?
24	A. Guilin Guiguang? That's my	24	A. I mentioned yesterday that I also spoke
25	understanding, yes.	25	to David Crouse, a former employee, and Julie Pier.
	Page 349		Page 351
1	Q. What due diligence did Imerys undertake	1	Q. About the mining operations in China?
2	to understand the geology of the deposit located at	2	A. I asked them what they knew of the
3	the Zhizhua mine?	3	mining operations in China, yes.
4	MR. PROST: Object to form.	4	Q. And at the time that Imerys Talc America
5	A. It's my understanding that various	5	
6	Luzenac entities had a strong presence there since		began to sell Guangxi crude to Johnson & Johnson,
	Luzenac entities had a strong presence there since	6	began to sell Guangxi crude to Johnson & Johnson, the due diligence that was undertaken was really to
7	the late 1980s, and they had been using the Guangxi	6 7	
7 8			the due diligence that was undertaken was really to
	the late 1980s, and they had been using the Guangxi number 2 ore for decades before we began using it in Houston to supply grade 25 for	7	the due diligence that was undertaken was really to rely on what had been done by other Luzenac
8	the late 1980s, and they had been using the Guangxi number 2 ore for decades before we began using it	7 8	the due diligence that was undertaken was really to rely on what had been done by other Luzenac entities, including Luzenac Europe, correct?
8 9	the late 1980s, and they had been using the Guangxi number 2 ore for decades before we began using it in Houston to supply grade 25 for	7 8 9	the due diligence that was undertaken was really to rely on what had been done by other Luzenac entities, including Luzenac Europe, correct? MR. PROST: Object to form.
8 9 10	the late 1980s, and they had been using the Guangxi number 2 ore for decades before we began using it in Houston to supply grade 25 for Johnson & Johnson.	7 8 9 10	the due diligence that was undertaken was really to rely on what had been done by other Luzenac entities, including Luzenac Europe, correct? MR. PROST: Object to form. A. I'm not sure what you're asking.
8 9 10 11	the late 1980s, and they had been using the Guangxi number 2 ore for decades before we began using it in Houston to supply grade 25 for Johnson & Johnson. Q. (By Ms. O'Dell) Other than the fact	7 8 9 10 11	the due diligence that was undertaken was really to rely on what had been done by other Luzenac entities, including Luzenac Europe, correct? MR. PROST: Object to form. A. I'm not sure what you're asking. Q. (By Ms. O'Dell) Was any independent review conducted by Imerys Talc America regarding the talc ore deposit in China?
8 9 10 11 12 13 14	the late 1980s, and they had been using the Guangxi number 2 ore for decades before we began using it in Houston to supply grade 25 for Johnson & Johnson. Q. (By Ms. O'Dell) Other than the fact that well, let me stop and state, which other Luzenac, now Imerys, entities had been purchasing grade excuse me, had been purchasing talc from	7 8 9 10 11 12 13 14	the due diligence that was undertaken was really to rely on what had been done by other Luzenac entities, including Luzenac Europe, correct? MR. PROST: Object to form. A. I'm not sure what you're asking. Q. (By Ms. O'Dell) Was any independent review conducted by Imerys Talc America regarding the talc ore deposit in China? A. As I recall, David Crouse said that he
8 9 10 11 12 13 14 15	the late 1980s, and they had been using the Guangxi number 2 ore for decades before we began using it in Houston to supply grade 25 for Johnson & Johnson. Q. (By Ms. O'Dell) Other than the fact that well, let me stop and state, which other Luzenac, now Imerys, entities had been purchasing grade excuse me, had been purchasing talc from the Zhizhua mine?	7 8 9 10 11 12 13 14	the due diligence that was undertaken was really to rely on what had been done by other Luzenac entities, including Luzenac Europe, correct? MR. PROST: Object to form. A. I'm not sure what you're asking. Q. (By Ms. O'Dell) Was any independent review conducted by Imerys Talc America regarding the talc ore deposit in China?
8 9 10 11 12 13 14 15 16	the late 1980s, and they had been using the Guangxi number 2 ore for decades before we began using it in Houston to supply grade 25 for Johnson & Johnson. Q. (By Ms. O'Dell) Other than the fact that well, let me stop and state, which other Luzenac, now Imerys, entities had been purchasing grade excuse me, had been purchasing talc from	7 8 9 10 11 12 13 14 15	the due diligence that was undertaken was really to rely on what had been done by other Luzenac entities, including Luzenac Europe, correct? MR. PROST: Object to form. A. I'm not sure what you're asking. Q. (By Ms. O'Dell) Was any independent review conducted by Imerys Talc America regarding the talc ore deposit in China? A. As I recall, David Crouse said that he visited the Chinese talc mine that we're talking about.
8 9 10 11 12 13 14 15 16	the late 1980s, and they had been using the Guangxi number 2 ore for decades before we began using it in Houston to supply grade 25 for Johnson & Johnson. Q. (By Ms. O'Dell) Other than the fact that well, let me stop and state, which other Luzenac, now Imerys, entities had been purchasing grade excuse me, had been purchasing talc from the Zhizhua mine? A. It's my understanding the Luzenac talc company in France.	7 8 9 10 11 12 13 14 15 16	the due diligence that was undertaken was really to rely on what had been done by other Luzenac entities, including Luzenac Europe, correct? MR. PROST: Object to form. A. I'm not sure what you're asking. Q. (By Ms. O'Dell) Was any independent review conducted by Imerys Talc America regarding the talc ore deposit in China? A. As I recall, David Crouse said that he visited the Chinese talc mine that we're talking about. Q. At what point did this visit take place?
8 9 10 11 12 13 14 15 16 17	the late 1980s, and they had been using the Guangxi number 2 ore for decades before we began using it in Houston to supply grade 25 for Johnson & Johnson. Q. (By Ms. O'Dell) Other than the fact that well, let me stop and state, which other Luzenac, now Imerys, entities had been purchasing grade excuse me, had been purchasing talc from the Zhizhua mine? A. It's my understanding the Luzenac talc company in France. Q. And that is now Imerys Europe Talc	7 8 9 10 11 12 13 14 15 16 17	the due diligence that was undertaken was really to rely on what had been done by other Luzenac entities, including Luzenac Europe, correct? MR. PROST: Object to form. A. I'm not sure what you're asking. Q. (By Ms. O'Dell) Was any independent review conducted by Imerys Talc America regarding the talc ore deposit in China? A. As I recall, David Crouse said that he visited the Chinese talc mine that we're talking about. Q. At what point did this visit take place? A. I don't recall what time frame.
8 9 10 11 12 13 14 15 16 17 18	the late 1980s, and they had been using the Guangxi number 2 ore for decades before we began using it in Houston to supply grade 25 for Johnson & Johnson. Q. (By Ms. O'Dell) Other than the fact that well, let me stop and state, which other Luzenac, now Imerys, entities had been purchasing grade excuse me, had been purchasing talc from the Zhizhua mine? A. It's my understanding the Luzenac talc company in France. Q. And that is now Imerys Europe Talc Europe, correct?	7 8 9 10 11 12 13 14 15 16 17 18	the due diligence that was undertaken was really to rely on what had been done by other Luzenac entities, including Luzenac Europe, correct? MR. PROST: Object to form. A. I'm not sure what you're asking. Q. (By Ms. O'Dell) Was any independent review conducted by Imerys Talc America regarding the talc ore deposit in China? A. As I recall, David Crouse said that he visited the Chinese talc mine that we're talking about. Q. At what point did this visit take place? A. I don't recall what time frame. Q. Was it before or after Imerys began to
8 9 10 11 12 13 14 15 16 17 18 19 20	the late 1980s, and they had been using the Guangxi number 2 ore for decades before we began using it in Houston to supply grade 25 for Johnson & Johnson. Q. (By Ms. O'Dell) Other than the fact that well, let me stop and state, which other Luzenac, now Imerys, entities had been purchasing grade excuse me, had been purchasing talc from the Zhizhua mine? A. It's my understanding the Luzenac talc company in France. Q. And that is now Imerys Europe Talc Europe, correct? MR. PROST: Object to form.	7 8 9 10 11 12 13 14 15 16 17 18 19 20	the due diligence that was undertaken was really to rely on what had been done by other Luzenac entities, including Luzenac Europe, correct? MR. PROST: Object to form. A. I'm not sure what you're asking. Q. (By Ms. O'Dell) Was any independent review conducted by Imerys Talc America regarding the talc ore deposit in China? A. As I recall, David Crouse said that he visited the Chinese talc mine that we're talking about. Q. At what point did this visit take place? A. I don't recall what time frame. Q. Was it before or after Imerys began to sell talc from the Zhizhua mine to J&J for its
8 9 10 11 12 13 14 15 16 17 18 19 20 21	the late 1980s, and they had been using the Guangxi number 2 ore for decades before we began using it in Houston to supply grade 25 for Johnson & Johnson. Q. (By Ms. O'Dell) Other than the fact that well, let me stop and state, which other Luzenac, now Imerys, entities had been purchasing grade excuse me, had been purchasing talc from the Zhizhua mine? A. It's my understanding the Luzenac talc company in France. Q. And that is now Imerys Europe Talc Europe, correct? MR. PROST: Object to form. A. I believe so, but I don't know the	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	the due diligence that was undertaken was really to rely on what had been done by other Luzenac entities, including Luzenac Europe, correct? MR. PROST: Object to form. A. I'm not sure what you're asking. Q. (By Ms. O'Dell) Was any independent review conducted by Imerys Talc America regarding the talc ore deposit in China? A. As I recall, David Crouse said that he visited the Chinese talc mine that we're talking about. Q. At what point did this visit take place? A. I don't recall what time frame. Q. Was it before or after Imerys began to sell talc from the Zhizhua mine to J&J for its products?
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the late 1980s, and they had been using the Guangxi number 2 ore for decades before we began using it in Houston to supply grade 25 for Johnson & Johnson. Q. (By Ms. O'Dell) Other than the fact that well, let me stop and state, which other Luzenac, now Imerys, entities had been purchasing grade excuse me, had been purchasing talc from the Zhizhua mine? A. It's my understanding the Luzenac talc company in France. Q. And that is now Imerys Europe Talc Europe, correct? MR. PROST: Object to form. A. I believe so, but I don't know the corporate histories or the names of the companies	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the due diligence that was undertaken was really to rely on what had been done by other Luzenac entities, including Luzenac Europe, correct? MR. PROST: Object to form. A. I'm not sure what you're asking. Q. (By Ms. O'Dell) Was any independent review conducted by Imerys Talc America regarding the talc ore deposit in China? A. As I recall, David Crouse said that he visited the Chinese talc mine that we're talking about. Q. At what point did this visit take place? A. I don't recall what time frame. Q. Was it before or after Imerys began to sell talc from the Zhizhua mine to J&J for its products? A. I don't recall.
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	the late 1980s, and they had been using the Guangxi number 2 ore for decades before we began using it in Houston to supply grade 25 for Johnson & Johnson. Q. (By Ms. O'Dell) Other than the fact that well, let me stop and state, which other Luzenac, now Imerys, entities had been purchasing grade excuse me, had been purchasing talc from the Zhizhua mine? A. It's my understanding the Luzenac talc company in France. Q. And that is now Imerys Europe Talc Europe, correct? MR. PROST: Object to form. A. I believe so, but I don't know the corporate histories or the names of the companies in Europe.	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	the due diligence that was undertaken was really to rely on what had been done by other Luzenac entities, including Luzenac Europe, correct? MR. PROST: Object to form. A. I'm not sure what you're asking. Q. (By Ms. O'Dell) Was any independent review conducted by Imerys Talc America regarding the talc ore deposit in China? A. As I recall, David Crouse said that he visited the Chinese talc mine that we're talking about. Q. At what point did this visit take place? A. I don't recall what time frame. Q. Was it before or after Imerys began to sell talc from the Zhizhua mine to J&J for its products? A. I don't recall. Q. Did Imerys Talc America have access to
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the late 1980s, and they had been using the Guangxi number 2 ore for decades before we began using it in Houston to supply grade 25 for Johnson & Johnson. Q. (By Ms. O'Dell) Other than the fact that well, let me stop and state, which other Luzenac, now Imerys, entities had been purchasing grade excuse me, had been purchasing talc from the Zhizhua mine? A. It's my understanding the Luzenac talc company in France. Q. And that is now Imerys Europe Talc Europe, correct? MR. PROST: Object to form. A. I believe so, but I don't know the corporate histories or the names of the companies	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the due diligence that was undertaken was really to rely on what had been done by other Luzenac entities, including Luzenac Europe, correct? MR. PROST: Object to form. A. I'm not sure what you're asking. Q. (By Ms. O'Dell) Was any independent review conducted by Imerys Talc America regarding the talc ore deposit in China? A. As I recall, David Crouse said that he visited the Chinese talc mine that we're talking about. Q. At what point did this visit take place? A. I don't recall what time frame. Q. Was it before or after Imerys began to sell talc from the Zhizhua mine to J&J for its products? A. I don't recall.

24 (Pages 348 to 351)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 26 of 68 PageID: 51717

Patrick Downey

	Page 352		Page 354
1	MR. PROST: Object to form.	1	Johnson & Johnson for 13 years prior to
2	A. I don't know if I've seen analyses in	2	Mr. Bergstrom assuming that responsibility?
3	that time frame. I don't know.	3	A. Yes.
4	Q. (By Ms. O'Dell) Were maps of the mine	4	Q. Are you aware of any other individuals
5	itself made available to Imerys Talc America prior	5	besides Mr. Bergstrom that would have information
6	to selling talc to Johnson & Johnson from China in	6	regarding the Zhizhua mine? And when I say
7	2003?	7	"information," I mean the geological information.
8	A. I don't know.	8	A. Not of any current employees, I don't
9	Q. Were core logs made available Imerys	9	know.
10	Talc America prior to selling Chinese talc to	10	Q. How about former employee?
11	Johnson & Johnson?	11	A. Yes.
12	A. I don't know.	12	Q. Who?
13	Q. Were access to mining plans for the	13	A. Jean-Francois Robert.
14	Zhizhua mine provided to Imerys Talc America prior	14	Q. In documents I've seen a "J.F. Robert."
15	to Imerys selling Chinese talc to Johnson &	15	Would that be Jean-François Robert?
16	Johnson?	16	A. It could be. I don't know what document
17	A. I don't know.	17	you're talking about, but it could be.
18	Q. Who would know?	18	Q. But if I say if I see a document that
19	A. That was many years ago. I don't know	19	says "J.F. Robert," it's more likely
20	if there is anyone present who would know.	20	Jean-Francis [sic] Robert?
21	Q. Who among the current employees of	21	A. François?
22	Imerys would have the most knowledge regarding the	22	Q. Excuse me. François. Robert.
23	geology of the Zhizhua mine?	23	A. Again, depending on the document, it
24	A. In terms of an Imerys Talc America	24	could be him.
25	employee?	25	Q. And it's your understanding that in
	Page 353		Page 355
1		1	
1	Q. I'll ask you first, Imerys Talc America.	1	2003, at the time that Imerys began to sell talc to
2	A. Who would have the most knowledge of the	2	J&J from China, that Imerys' entities not Imerys
3	geology of the deposit? I don't know.	3	Talc America, but Imerys talc entities from other
4	Q. Would it be David Crouse?	4	parts of the world had been buying talc from the
5	A. He's not a current employee.	5	Zhizhua mine and had many years of experience and
6	Q. He's a former employee?	6	knowledge about the geology itself, correct?
7	A. He's a former employee.	7	A. Yes.
8	Q. Of current or former employees of Imerys	8	Q. Let me show you what I've marked as
9	Talc America, would David Crouse be the person that	9	or am marking as Exhibit 42.
10	would have the most knowledge about the Chinese	10	(Exhibit 42 was marked for identification.)
11	deposit?	11	MS. O'DELL: This is IMERYS 403794.
12	MR. PROST: Object to form.	12	Q. (By Ms. O'Dell) You see on the front
13	A. I would say more than likely, yes.	13	page it appears to be a photocopy of a file. And
14	Q. (By Ms. O'Dell) And of the employees	14	it says, "Chinese ore D. Crouse," David Crouse,
15	from other Imerys entities, is it your	15	correct?
16	understanding that Jyrki Bergstrom would have the	16	A. Yes.
17	most knowledge of the geology of the Zhizhua mine	17	Q. Have you seen this document before?
18	in China?	18	A. (Document reviewed.) I think I've seen
19	A. He's the one doing it now, so he would	19	sections of it.
20	have the knowledge.	20	Q. Let me ask you to turn to Bates
21	Q. And he's been doing that just since	21	ending 810. Are you there, sir?
22	2016, correct?	22	A. 403810?
0.0	A 75% at 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
23	A. That's my understanding, yes.	23	Q. Yes. This is a section of this document
23 24 25	A. That's my understanding, yes. Q. And Imerys Talc America had been supplying talc from the Zhizhua mine to	23 24 25	Q. Yes. This is a section of this document called "Specifications for Guangxi 27 crude ore." And that was the ore that was supplied or is

25 (Pages 352 to 355)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 27 of 68 PageID: 51718

Patrick Downey

	Page 356		Page 358
1	being supplied to Johnson & Johnson, correct?	1	began supply.
2	A. Yes. I'm trying to find where that	2	Q. Let me ask you to turn to page 403820;
3	particular section begins just to get a date	3	do you see that? So August 11th, 1997, memorandum
4	reference so I know what time period we're talking	4	from David Crouse regarding the characterization of
5	about. Do you know?	5	Guangxi number 1 crude.
6	Q. It's my belief it is 1997.	6	Now, in the Chinese mines, I've seen
7	A. Is that is referencing 403085?	7	references to sorting of the talc after it's
8	Q. That's right.	8	extracted, hand-sorted.
9	And you see, this I'll just go to that so	9	What's your understanding of that process?
10	you'll be oriented. It's November 1997 to Jack	10	A. That talc lumps are hand-sorted.
11	Buettner from David Crouse, and he's talking about	11	Q. By manual laborers?
12	the Guangxi quality control products. Goes down,	12	A. By manual labor.
13	third paragraph, and then I have my colleague	13	Q. And what is the criteria that they use
14	she's going to ask you some questions about	14	to sort the tale?
15	sampling, so I'm not going to cover that.	15	A. It's my recollection that they are
16	It says, third paragraph, "There is some	16	sorting the talc lumps for mineralogy and, for
17	difficulty in determining the accurate mineral of	17	example, to reject chlorite, as an example.
18	the Guangxi crude due to the variable nature of	18	Q. And what's the visual presentation of
19	chlorite and our lack of experience with the type	19	chlorite?
20	found in the Guangxi deposit"; did I read that	20	A. In the Guangxi? From my recollection,
21	correctly?	21	it's a greener color, and the talc is very white
22	A. Yes.	22	and bright compared to the chlorite.
23	Q. He says, "We are currently in the	23	Q. And when you you say that the sorting
24	process of better defining the specific properties	24	is done based on mineralogy.
25	and characteristics of this chlorite, which will	25	Are these geologists, you know, in the
	D 257		
	Page 357		Page 359
1	allow us to," "calculate the total mineralogy,"	1	
1 2		1 2	Page 359 mines, sorting these rocks? A. Say again.
	allow us to," "calculate the total mineralogy,"		mines, sorting these rocks?
2	allow us to," "calculate the total mineralogy," okay? MR. PROST: "Us to better calculate," just to be clear.	2	mines, sorting these rocks? A. Say again.
2 3	allow us to," "calculate the total mineralogy," okay? MR. PROST: "Us to better calculate," just	2	mines, sorting these rocks? A. Say again. Q. Are these I mean, you said these
2 3 4	allow us to," "calculate the total mineralogy," okay? MR. PROST: "Us to better calculate," just to be clear.	2 3 4	mines, sorting these rocks? A. Say again. Q. Are these I mean, you said these rocks are sorted based on mineralogy.
2 3 4 5	allow us to," "calculate the total mineralogy," okay? MR. PROST: "Us to better calculate," just to be clear. Q. (By Ms. O'Dell) "allow us to better	2 3 4 5	mines, sorting these rocks? A. Say again. Q. Are these I mean, you said these rocks are sorted based on mineralogy. A. Yes.
2 3 4 5 6	allow us to," "calculate the total mineralogy," okay? MR. PROST: "Us to better calculate," just to be clear. Q. (By Ms. O'Dell) "allow us to better calculate the total mineralogy," did I read that	2 3 4 5 6	mines, sorting these rocks? A. Say again. Q. Are these I mean, you said these rocks are sorted based on mineralogy. A. Yes. Q. And are these workers trained in
2 3 4 5 6 7	allow us to," "calculate the total mineralogy," okay? MR. PROST: "Us to better calculate," just to be clear. Q. (By Ms. O'Dell) "allow us to better calculate the total mineralogy," did I read that correctly?	2 3 4 5 6 7	mines, sorting these rocks? A. Say again. Q. Are these I mean, you said these rocks are sorted based on mineralogy. A. Yes. Q. And are these workers trained in mineralogy so they would be able to recognize
2 3 4 5 6 7 8	allow us to," "calculate the total mineralogy," okay? MR. PROST: "Us to better calculate," just to be clear. Q. (By Ms. O'Dell) "allow us to better calculate the total mineralogy," did I read that correctly? A. That portion, yes.	2 3 4 5 6 7 8	mines, sorting these rocks? A. Say again. Q. Are these I mean, you said these rocks are sorted based on mineralogy. A. Yes. Q. And are these workers trained in mineralogy so they would be able to recognize certain types of rock versus others and then be
2 3 4 5 6 7 8	allow us to," "calculate the total mineralogy," okay? MR. PROST: "Us to better calculate," just to be clear. Q. (By Ms. O'Dell) "allow us to better calculate the total mineralogy," did I read that correctly? A. That portion, yes. Q. And then if you will turn over to 810,	2 3 4 5 6 7 8	mines, sorting these rocks? A. Say again. Q. Are these I mean, you said these rocks are sorted based on mineralogy. A. Yes. Q. And are these workers trained in mineralogy so they would be able to recognize certain types of rock versus others and then be able to, you know, sort it accordingly?
2 3 4 5 6 7 8 9	allow us to," "calculate the total mineralogy," okay? MR. PROST: "Us to better calculate," just to be clear. Q. (By Ms. O'Dell) "allow us to better calculate the total mineralogy," did I read that correctly? A. That portion, yes. Q. And then if you will turn over to 810, you'll see specifications from or for, rather, Guangxi number 2 crude ore. (As read:) Comments: Very little chemical	2 3 4 5 6 7 8 9	mines, sorting these rocks? A. Say again. Q. Are these I mean, you said these rocks are sorted based on mineralogy. A. Yes. Q. And are these workers trained in mineralogy so they would be able to recognize certain types of rock versus others and then be able to, you know, sort it accordingly? A. They would be laborers that would be
2 3 4 5 6 7 8 9 10	allow us to," "calculate the total mineralogy," okay? MR. PROST: "Us to better calculate," just to be clear. Q. (By Ms. O'Dell) "allow us to better calculate the total mineralogy," did I read that correctly? A. That portion, yes. Q. And then if you will turn over to 810, you'll see specifications from or for, rather, Guangxi number 2 crude ore. (As read:) Comments: Very little chemical or mineralogical analytical data is on hand for the	2 3 4 5 6 7 8 9 10	mines, sorting these rocks? A. Say again. Q. Are these I mean, you said these rocks are sorted based on mineralogy. A. Yes. Q. And are these workers trained in mineralogy so they would be able to recognize certain types of rock versus others and then be able to, you know, sort it accordingly? A. They would be laborers that would be trained specifically to be able to identify the talc versus the chlorite. Q. And would they primarily do that based
2 3 4 5 6 7 8 9 10 11 12	allow us to," "calculate the total mineralogy," okay? MR. PROST: "Us to better calculate," just to be clear. Q. (By Ms. O'Dell) "allow us to better calculate the total mineralogy," did I read that correctly? A. That portion, yes. Q. And then if you will turn over to 810, you'll see specifications from or for, rather, Guangxi number 2 crude ore. (As read:) Comments: Very little chemical or mineralogical analytical data is on hand for the Guangxi number 2 crude or products produced from	2 3 4 5 6 7 8 9 10 11	mines, sorting these rocks? A. Say again. Q. Are these I mean, you said these rocks are sorted based on mineralogy. A. Yes. Q. And are these workers trained in mineralogy so they would be able to recognize certain types of rock versus others and then be able to, you know, sort it accordingly? A. They would be laborers that would be trained specifically to be able to identify the talc versus the chlorite.
2 3 4 5 6 7 8 9 10 11 12 13	allow us to," "calculate the total mineralogy," okay? MR. PROST: "Us to better calculate," just to be clear. Q. (By Ms. O'Dell) "allow us to better calculate the total mineralogy," did I read that correctly? A. That portion, yes. Q. And then if you will turn over to 810, you'll see specifications from or for, rather, Guangxi number 2 crude ore. (As read:) Comments: Very little chemical or mineralogical analytical data is on hand for the Guangxi number 2 crude or products produced from the crude; did I read that correctly?	2 3 4 5 6 7 8 9 10 11 12 13	mines, sorting these rocks? A. Say again. Q. Are these I mean, you said these rocks are sorted based on mineralogy. A. Yes. Q. And are these workers trained in mineralogy so they would be able to recognize certain types of rock versus others and then be able to, you know, sort it accordingly? A. They would be laborers that would be trained specifically to be able to identify the talc versus the chlorite. Q. And would they primarily do that based on color? A. Not just color.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	allow us to," "calculate the total mineralogy," okay? MR. PROST: "Us to better calculate," just to be clear. Q. (By Ms. O'Dell) "allow us to better calculate the total mineralogy," did I read that correctly? A. That portion, yes. Q. And then if you will turn over to 810, you'll see specifications from or for, rather, Guangxi number 2 crude ore. (As read:) Comments: Very little chemical or mineralogical analytical data is on hand for the Guangxi number 2 crude or products produced from the crude; did I read that correctly? A. That's what it says.	2 3 4 5 6 7 8 9 10 11 12 13 14	mines, sorting these rocks? A. Say again. Q. Are these I mean, you said these rocks are sorted based on mineralogy. A. Yes. Q. And are these workers trained in mineralogy so they would be able to recognize certain types of rock versus others and then be able to, you know, sort it accordingly? A. They would be laborers that would be trained specifically to be able to identify the talc versus the chlorite. Q. And would they primarily do that based on color? A. Not just color. Q. What else?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	allow us to," "calculate the total mineralogy," okay? MR. PROST: "Us to better calculate," just to be clear. Q. (By Ms. O'Dell) "allow us to better calculate the total mineralogy," did I read that correctly? A. That portion, yes. Q. And then if you will turn over to 810, you'll see specifications from or for, rather, Guangxi number 2 crude ore. (As read:) Comments: Very little chemical or mineralogical analytical data is on hand for the Guangxi number 2 crude or products produced from the crude; did I read that correctly? A. That's what it says. Q. "It is understood that grade 12 is	2 3 4 5 6 7 8 9 10 11 12 13 14 15	mines, sorting these rocks? A. Say again. Q. Are these I mean, you said these rocks are sorted based on mineralogy. A. Yes. Q. And are these workers trained in mineralogy so they would be able to recognize certain types of rock versus others and then be able to, you know, sort it accordingly? A. They would be laborers that would be trained specifically to be able to identify the talc versus the chlorite. Q. And would they primarily do that based on color? A. Not just color. Q. What else? A. But color and the mineral habit that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	allow us to," "calculate the total mineralogy," okay? MR. PROST: "Us to better calculate," just to be clear. Q. (By Ms. O'Dell) "allow us to better calculate the total mineralogy," did I read that correctly? A. That portion, yes. Q. And then if you will turn over to 810, you'll see specifications from or for, rather, Guangxi number 2 crude ore. (As read:) Comments: Very little chemical or mineralogical analytical data is on hand for the Guangxi number 2 crude or products produced from the crude; did I read that correctly? A. That's what it says. Q. "It is understood that grade 12 is derived from the sorting process to acquire	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	mines, sorting these rocks? A. Say again. Q. Are these I mean, you said these rocks are sorted based on mineralogy. A. Yes. Q. And are these workers trained in mineralogy so they would be able to recognize certain types of rock versus others and then be able to, you know, sort it accordingly? A. They would be laborers that would be trained specifically to be able to identify the talc versus the chlorite. Q. And would they primarily do that based on color? A. Not just color. Q. What else? A. But color and the mineral habit that would be exhibited between to contrast between
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	allow us to," "calculate the total mineralogy," okay? MR. PROST: "Us to better calculate," just to be clear. Q. (By Ms. O'Dell) "allow us to better calculate the total mineralogy," did I read that correctly? A. That portion, yes. Q. And then if you will turn over to 810, you'll see specifications from or for, rather, Guangxi number 2 crude ore. (As read:) Comments: Very little chemical or mineralogical analytical data is on hand for the Guangxi number 2 crude or products produced from the crude; did I read that correctly? A. That's what it says. Q. "It is understood that grade 12 is derived from the sorting process to acquire number 1 grade, so if the number 1 grade is	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	mines, sorting these rocks? A. Say again. Q. Are these I mean, you said these rocks are sorted based on mineralogy. A. Yes. Q. And are these workers trained in mineralogy so they would be able to recognize certain types of rock versus others and then be able to, you know, sort it accordingly? A. They would be laborers that would be trained specifically to be able to identify the talc versus the chlorite. Q. And would they primarily do that based on color? A. Not just color. Q. What else? A. But color and the mineral habit that would be exhibited between to contrast between the two minerals.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	allow us to," "calculate the total mineralogy," okay? MR. PROST: "Us to better calculate," just to be clear. Q. (By Ms. O'Dell) "allow us to better calculate the total mineralogy," did I read that correctly? A. That portion, yes. Q. And then if you will turn over to 810, you'll see specifications from or for, rather, Guangxi number 2 crude ore. (As read:) Comments: Very little chemical or mineralogical analytical data is on hand for the Guangxi number 2 crude or products produced from the crude; did I read that correctly? A. That's what it says. Q. "It is understood that grade 12 is derived from the sorting process to acquire number 1 grade, so if the number 1 grade is mineral, the number 2 grade will probably be below	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	mines, sorting these rocks? A. Say again. Q. Are these I mean, you said these rocks are sorted based on mineralogy. A. Yes. Q. And are these workers trained in mineralogy so they would be able to recognize certain types of rock versus others and then be able to, you know, sort it accordingly? A. They would be laborers that would be trained specifically to be able to identify the talc versus the chlorite. Q. And would they primarily do that based on color? A. Not just color. Q. What else? A. But color and the mineral habit that would be exhibited between to contrast between the two minerals. Q. What are you when you use the term
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	allow us to," "calculate the total mineralogy," okay? MR. PROST: "Us to better calculate," just to be clear. Q. (By Ms. O'Dell) "allow us to better calculate the total mineralogy," did I read that correctly? A. That portion, yes. Q. And then if you will turn over to 810, you'll see specifications from or for, rather, Guangxi number 2 crude ore. (As read:) Comments: Very little chemical or mineralogical analytical data is on hand for the Guangxi number 2 crude or products produced from the crude; did I read that correctly? A. That's what it says. Q. "It is understood that grade 12 is derived from the sorting process to acquire number 1 grade, so if the number 1 grade is mineral, the number 2 grade will probably be below target specifications"; did I read that correctly?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	mines, sorting these rocks? A. Say again. Q. Are these I mean, you said these rocks are sorted based on mineralogy. A. Yes. Q. And are these workers trained in mineralogy so they would be able to recognize certain types of rock versus others and then be able to, you know, sort it accordingly? A. They would be laborers that would be trained specifically to be able to identify the talc versus the chlorite. Q. And would they primarily do that based on color? A. Not just color. Q. What else? A. But color and the mineral habit that would be exhibited between to contrast between the two minerals. Q. What are you when you use the term "mineral habit," what are you referring to?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	allow us to," "calculate the total mineralogy," okay? MR. PROST: "Us to better calculate," just to be clear. Q. (By Ms. O'Dell) "allow us to better calculate the total mineralogy," did I read that correctly? A. That portion, yes. Q. And then if you will turn over to 810, you'll see specifications from or for, rather, Guangxi number 2 crude ore. (As read:) Comments: Very little chemical or mineralogical analytical data is on hand for the Guangxi number 2 crude or products produced from the crude; did I read that correctly? A. That's what it says. Q. "It is understood that grade 12 is derived from the sorting process to acquire number 1 grade, so if the number 1 grade is mineral, the number 2 grade will probably be below target specifications"; did I read that correctly? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	mines, sorting these rocks? A. Say again. Q. Are these I mean, you said these rocks are sorted based on mineralogy. A. Yes. Q. And are these workers trained in mineralogy so they would be able to recognize certain types of rock versus others and then be able to, you know, sort it accordingly? A. They would be laborers that would be trained specifically to be able to identify the talc versus the chlorite. Q. And would they primarily do that based on color? A. Not just color. Q. What else? A. But color and the mineral habit that would be exhibited between to contrast between the two minerals. Q. What are you when you use the term "mineral habit," what are you referring to? A. Generally, the way that the crystals
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	allow us to," "calculate the total mineralogy," okay? MR. PROST: "Us to better calculate," just to be clear. Q. (By Ms. O'Dell) "allow us to better calculate the total mineralogy," did I read that correctly? A. That portion, yes. Q. And then if you will turn over to 810, you'll see specifications from or for, rather, Guangxi number 2 crude ore. (As read:) Comments: Very little chemical or mineralogical analytical data is on hand for the Guangxi number 2 crude or products produced from the crude; did I read that correctly? A. That's what it says. Q. "It is understood that grade 12 is derived from the sorting process to acquire number 1 grade, so if the number 1 grade is mineral, the number 2 grade will probably be below target specifications"; did I read that correctly? A. Yes. Q. And it was grade 2 crude ore that was	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	mines, sorting these rocks? A. Say again. Q. Are these I mean, you said these rocks are sorted based on mineralogy. A. Yes. Q. And are these workers trained in mineralogy so they would be able to recognize certain types of rock versus others and then be able to, you know, sort it accordingly? A. They would be laborers that would be trained specifically to be able to identify the talc versus the chlorite. Q. And would they primarily do that based on color? A. Not just color. Q. What else? A. But color and the mineral habit that would be exhibited between to contrast between the two minerals. Q. What are you when you use the term "mineral habit," what are you referring to? A. Generally, the way that the crystals grow. There are other mineralogic criteria such as
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	allow us to," "calculate the total mineralogy," okay? MR. PROST: "Us to better calculate," just to be clear. Q. (By Ms. O'Dell) "allow us to better calculate the total mineralogy," did I read that correctly? A. That portion, yes. Q. And then if you will turn over to 810, you'll see specifications from or for, rather, Guangxi number 2 crude ore. (As read:) Comments: Very little chemical or mineralogical analytical data is on hand for the Guangxi number 2 crude or products produced from the crude; did I read that correctly? A. That's what it says. Q. "It is understood that grade 12 is derived from the sorting process to acquire number 1 grade, so if the number 1 grade is mineral, the number 2 grade will probably be below target specifications"; did I read that correctly? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	mines, sorting these rocks? A. Say again. Q. Are these I mean, you said these rocks are sorted based on mineralogy. A. Yes. Q. And are these workers trained in mineralogy so they would be able to recognize certain types of rock versus others and then be able to, you know, sort it accordingly? A. They would be laborers that would be trained specifically to be able to identify the talc versus the chlorite. Q. And would they primarily do that based on color? A. Not just color. Q. What else? A. But color and the mineral habit that would be exhibited between to contrast between the two minerals. Q. What are you when you use the term "mineral habit," what are you referring to? A. Generally, the way that the crystals

26 (Pages 356 to 359)

	Page 360		Page 362
1	know, you're dealing with very local and very	1	that
2	specific rocks instead of you don't have to	2	Q. (By Ms. O'Dell) Well, let me ask you.
3	train them to go out and be a mineralogist. You	3	Mr. Downey, does Guangxi 1 crude originate
4	can just train them specifically to be able to	4	from the Zhizhua mine?
5	distinguish between the two.	5	A. I don't recall asking Mr. Bergstrom
6	Q. And these individuals that would be the	6	about Guangxi number 1.
7	doing the sorting are and I don't mean this in a	7	Q. Let me see if I can add a little bit
8	derogatory way, but they are uneducated, most	8	more to this.
9	likely, workers that live near the Zhizhua mine?	9	"In association with the ore concerns," do
10	MR. PROST: Object to form.	10	you see that? "In association with the ore
11	Q. (By Ms. O'Dell) They're manual laborers	11	concerns"?
12	that live near the mine, in most instances?	12	A. Yes.
13	A. I don't know where they live, but, yes,	13	Q. "J.F. Robert," Jean-Francois Robert,
14	they would be manual laborers that can be trained	14	right? J.F.?
15	to do this work.	15	A. Yes.
16	Q. Okay. And I saw a reference to on-site	16	Q. "was asked to coordinate reduced
17	apartments or a dorm for these workers. That's why	17	10-inch sizing and sorting methods with the Guilin
18	I said that they live near, but it doesn't matter.	18	Guiguang Company. Unfortunately, he did not
19	Okay. Let's keep going. This is a memo	19	negotiate these methods on-site and arrived at the
20	from Mr. Crouse, who's talking about the Guangxi	20	mine after the ore had been mined and sorted. It
21	crude talc. And he's referencing "several episodes	21	met neither the size nor the sorting requirements
22	of quality control problems." And he's asked to	22	that had been requested"; did I read that
23	"help identify the ore problem and recommend	23	correctly?
24	improvements to the methods by which the Chinese	24	A. Yes.
25	sort and select" the "crude ore"; do you see that?	25	Q. And he goes on to say, "The
	Page 361		Page 363
1	A. I was trying to read the find where	1	shipments" at the bottom of the paragraph, "The
2	you're reading from, so	2	shipments of number 1 and number 2 crude are
3	Q. He said, "I," and that's David Crouse,	3	expected to ship in July and arrive in Houston in
4	was asked to identify the ore problem and recommend	4	September."
5	improvements by which the Chinese sort and select	5	So this also relates to
6	crude ore.	6	A. Well, you skipped over a section.
7	A. "Our crude ore."	7	Q. That's fine. But the last paragraph
8	Q. Yeah. "The initial confirmed that there	8	excuse me, the last sentence of the paragraph
9	was significant green and brown probably chlorite	9	refers not only to crude number 1 but also crude
10			
	mineral contamination in more than 30 to 50 percent	10	number 2 ore, correct?
11	of the crude on hand in Houston and Grand Island.	11	MR. PROST: Object to form.
12	of the crude on hand in Houston and Grand Island. In association with the ore concerns, J.F. Robert	11 12	MR. PROST: Object to form. A. Well, first, you skipped over a section.
12 13	of the crude on hand in Houston and Grand Island. In association with the ore concerns, J.F. Robert was asked to coordinate reduced (10)," I believe	11 12 13	MR. PROST: Object to form.A. Well, first, you skipped over a section.Q. (By Ms. O'Dell) That's not my question,
12 13 14	of the crude on hand in Houston and Grand Island. In association with the ore concerns, J.F. Robert was asked to coordinate reduced (10)," I believe that means inches; is that correct?	11 12 13 14	MR. PROST: Object to form. A. Well, first, you skipped over a section. Q. (By Ms. O'Dell) That's not my question, sir. I'm asking you about the last the last
12 13 14 15	of the crude on hand in Houston and Grand Island. In association with the ore concerns, J.F. Robert was asked to coordinate reduced (10)," I believe that means inches; is that correct? MR. PROST: Object to form. Outside the	11 12 13 14 15	MR. PROST: Object to form. A. Well, first, you skipped over a section. Q. (By Ms. O'Dell) That's not my question, sir. I'm asking you about the last the last sentence.
12 13 14 15 16	of the crude on hand in Houston and Grand Island. In association with the ore concerns, J.F. Robert was asked to coordinate reduced (10)," I believe that means inches; is that correct? MR. PROST: Object to form. Outside the scope.	11 12 13 14 15	MR. PROST: Object to form. A. Well, first, you skipped over a section. Q. (By Ms. O'Dell) That's not my question, sir. I'm asking you about the last the last sentence. The last sentence of that paragraph refers
12 13 14 15 16 17	of the crude on hand in Houston and Grand Island. In association with the ore concerns, J.F. Robert was asked to coordinate reduced (10)," I believe that means inches; is that correct? MR. PROST: Object to form. Outside the scope. MR. SILVER: Actually, I'm going to allow	11 12 13 14 15 16	MR. PROST: Object to form. A. Well, first, you skipped over a section. Q. (By Ms. O'Dell) That's not my question, sir. I'm asking you about the last the last sentence. The last sentence of that paragraph refers not only to number 1 crude, but also refers to
12 13 14 15 16 17 18	of the crude on hand in Houston and Grand Island. In association with the ore concerns, J.F. Robert was asked to coordinate reduced (10)," I believe that means inches; is that correct? MR. PROST: Object to form. Outside the scope. MR. SILVER: Actually, I'm going to allow the witness to keep answering, but as to this	11 12 13 14 15 16 17	MR. PROST: Object to form. A. Well, first, you skipped over a section. Q. (By Ms. O'Dell) That's not my question, sir. I'm asking you about the last the last sentence. The last sentence of that paragraph refers not only to number 1 crude, but also refers to number 2 crude?
12 13 14 15 16 17 18	of the crude on hand in Houston and Grand Island. In association with the ore concerns, J.F. Robert was asked to coordinate reduced (10)," I believe that means inches; is that correct? MR. PROST: Object to form. Outside the scope. MR. SILVER: Actually, I'm going to allow the witness to keep answering, but as to this document, we're going to have a standing objection	11 12 13 14 15 16 17 18	MR. PROST: Object to form. A. Well, first, you skipped over a section. Q. (By Ms. O'Dell) That's not my question, sir. I'm asking you about the last the last sentence. The last sentence of that paragraph refers not only to number 1 crude, but also refers to number 2 crude? MR. PROST: Objection.
12 13 14 15 16 17 18 19 20	of the crude on hand in Houston and Grand Island. In association with the ore concerns, J.F. Robert was asked to coordinate reduced (10)," I believe that means inches; is that correct? MR. PROST: Object to form. Outside the scope. MR. SILVER: Actually, I'm going to allow the witness to keep answering, but as to this document, we're going to have a standing objection to this entire document because the scope of this	11 12 13 14 15 16 17 18 19 20	MR. PROST: Object to form. A. Well, first, you skipped over a section. Q. (By Ms. O'Dell) That's not my question, sir. I'm asking you about the last the last sentence. The last sentence of that paragraph refers not only to number 1 crude, but also refers to number 2 crude? MR. PROST: Objection. A. It says, "The timing of the shipments."
12 13 14 15 16 17 18 19 20 21	of the crude on hand in Houston and Grand Island. In association with the ore concerns, J.F. Robert was asked to coordinate reduced (10)," I believe that means inches; is that correct? MR. PROST: Object to form. Outside the scope. MR. SILVER: Actually, I'm going to allow the witness to keep answering, but as to this document, we're going to have a standing objection to this entire document because the scope of this deposition has to do with ore that goes to J&J	11 12 13 14 15 16 17 18 19 20 21	MR. PROST: Object to form. A. Well, first, you skipped over a section. Q. (By Ms. O'Dell) That's not my question, sir. I'm asking you about the last the last sentence. The last sentence of that paragraph refers not only to number 1 crude, but also refers to number 2 crude? MR. PROST: Objection. A. It says, "The timing of the shipments." Q. (By Ms. O'Dell) It refers to number 2
12 13 14 15 16 17 18 19 20 21 22	of the crude on hand in Houston and Grand Island. In association with the ore concerns, J.F. Robert was asked to coordinate reduced (10)," I believe that means inches; is that correct? MR. PROST: Object to form. Outside the scope. MR. SILVER: Actually, I'm going to allow the witness to keep answering, but as to this document, we're going to have a standing objection to this entire document because the scope of this deposition has to do with ore that goes to J&J products, and this says it's about Guangxi 1. But	11 12 13 14 15 16 17 18 19 20 21 22	MR. PROST: Object to form. A. Well, first, you skipped over a section. Q. (By Ms. O'Dell) That's not my question, sir. I'm asking you about the last the last sentence. The last sentence of that paragraph refers not only to number 1 crude, but also refers to number 2 crude? MR. PROST: Objection. A. It says, "The timing of the shipments." Q. (By Ms. O'Dell) It refers to number 2 crude, correct?
12 13 14 15 16 17 18 19 20 21 22 23	of the crude on hand in Houston and Grand Island. In association with the ore concerns, J.F. Robert was asked to coordinate reduced (10)," I believe that means inches; is that correct? MR. PROST: Object to form. Outside the scope. MR. SILVER: Actually, I'm going to allow the witness to keep answering, but as to this document, we're going to have a standing objection to this entire document because the scope of this deposition has to do with ore that goes to J&J products, and this says it's about Guangxi 1. But I'll let you keep asking, Leigh, but we'll have a	11 12 13 14 15 16 17 18 19 20 21 22 23	MR. PROST: Object to form. A. Well, first, you skipped over a section. Q. (By Ms. O'Dell) That's not my question, sir. I'm asking you about the last the last sentence. The last sentence of that paragraph refers not only to number 1 crude, but also refers to number 2 crude? MR. PROST: Objection. A. It says, "The timing of the shipments." Q. (By Ms. O'Dell) It refers to number 2 crude, correct? MR. PROST: Objection.
12 13 14 15 16 17 18 19 20 21 22	of the crude on hand in Houston and Grand Island. In association with the ore concerns, J.F. Robert was asked to coordinate reduced (10)," I believe that means inches; is that correct? MR. PROST: Object to form. Outside the scope. MR. SILVER: Actually, I'm going to allow the witness to keep answering, but as to this document, we're going to have a standing objection to this entire document because the scope of this deposition has to do with ore that goes to J&J products, and this says it's about Guangxi 1. But	11 12 13 14 15 16 17 18 19 20 21 22	MR. PROST: Object to form. A. Well, first, you skipped over a section. Q. (By Ms. O'Dell) That's not my question, sir. I'm asking you about the last the last sentence. The last sentence of that paragraph refers not only to number 1 crude, but also refers to number 2 crude? MR. PROST: Objection. A. It says, "The timing of the shipments." Q. (By Ms. O'Dell) It refers to number 2 crude, correct?

27 (Pages 360 to 363)

	Page 364		Page 366
1	the next page it says, "Specifications: Although	1	processing that took place, to whatever degree it
2	there has been the perception" and this is David	2	was processed in China, and then I want to take
3	Crouse writing.	3	have you take us through the process from China to
4	"Although there has been the perception that	4	Houston. And so why don't you walk us through your
5	we," meaning Imerys, (as read:) have mineralogical	5	understanding.
6	and analytical specifications for crude number 1	6	A. Okay. Can I refer to my notes?
7	excuse me for Guangxi crude number 1, the actual	7	Q. Yeah, sure.
8	situation appears to be the opposite; did I read	8	A. Okay. So Guangxi number 2 is
9	that correctly?	9	campaign-mined. And by that I mean the
10	MR. PROST: It's actually "Guangxi number 1	10	generally speaking, a mine campaign is when you're
11	crude," to read it precisely, but go ahead.	11	going out to do something in a dedicated fashion,
12	Q. (By Ms. O'Dell) Did I read that	12	that you're going out with the specific intent to
13	correctly?	13	go out to produce Guangxi number 2 for a certain
14	A. Other than the corrections by counsel, I	14	time period, or for a certain volume of production.
15	think so.	15	The Guangxi 2 is located in a limited area
16	Q. Mr. Downey, is it your understanding	16	of the mine, and they use selective mining, which
17	that an Imerys employee was present at the mine	17	is visual sorting in the pit as it's as the rock
18	when talc for Johnson & Johnson was being mined?	18	is being mined.
19	MR. PROST: Object to form.	19	Then it goes to a screening and sorting
20	A. On occasion, I believe so.	20	plant or first of all, it's screened to
21	Q. (By Ms. O'Dell) When you mean "on	21	different size fractions. The lumps are the
22	occasion," you're talking about the yearly visits	22	lumps are then hand sorted, and the hand-sorted
23	or biannual visits?	23	lumps become Guangxi number 2 for export. The
24	A. However frequently they were done by	24	fines are used in other grades, not Guangxi
25	Mr. Bergstrom or Robert, yes.	25	number 2.
	Page 365		Page 367
1	Q. And so there's a difference I'm	1	It's sampled after the screening-and-sorting
2	asking you a different question than just were	2	stage. A large composite sample is taken at the
3	there different occasions where an Imerys employee	3	production line. It's also stored after it's been
4	might visit a mine, or visit the Zhizhua Mine.	4	screened and sorted. It's stored on a concrete
5	I'm asking, during the time periods when	5	storage area.
6	talc that was going to be supplied to	6	So the mining occurs, I think, two or three
7	Johnson & Johnson was being mined, was an Imerys	7	hours away by truck of where the sorting and
8	employee overseeing the mining process?	8	screening is done. My understanding is that's
9	A. You mean for the entirety of the mining	9	where Guilin Guiguang have a manufacturing plant
10	campaign?	10	where they produce their own talc powder products
11	Q. Yes. Yes.	11	at that facility, but that's also the stage where
12	A. I don't know about the entirety of the	12	the screening and sorting is done.
13	mining campaign.	13	So then once the Guangxi number 2 has been
14	Q. That's not your understanding, that an	14	sampled and stockpiled on a concrete storage area,
15	Imerys employee was there for the entire mining	15	then, when the shipment is arranged when the
16	campaign, correct?	16	shipment's been arranged, then the material is
	A. I don't know. I don't have that	17	transferred to the port. And at the port facility,
17			
17 18		TR	they also have protocols to make sure that all of
18	information.	18 19	they also have protocols to make sure that all of the equipment and trucks that are used to handle
18 19	information. Q. Well, according to Mr. Bergstrom, he	19	the equipment and trucks that are used to handle
18 19 20	information. Q. Well, according to Mr. Bergstrom, he visits at least twice a year, correct?	19 20	the equipment and trucks that are used to handle the talc, that they are all clean. So all of
18 19 20 21	information. Q. Well, according to Mr. Bergstrom, he visits at least twice a year, correct? A. Yes.	19 20 21	the equipment and trucks that are used to handle the talc, that they are all clean. So all of the all the trucks and loading equipment are
18 19 20 21 22	information. Q. Well, according to Mr. Bergstrom, he visits at least twice a year, correct? A. Yes. Q. Let me back up just a moment,	19 20 21 22	the equipment and trucks that are used to handle the talc, that they are all clean. So all of the all the trucks and loading equipment are washed before using for talc.
18 19 20 21 22 23	information. Q. Well, according to Mr. Bergstrom, he visits at least twice a year, correct? A. Yes. Q. Let me back up just a moment, Mr. Downey.	19 20 21 22 23	the equipment and trucks that are used to handle the talc, that they are all clean. So all of the all the trucks and loading equipment are washed before using for talc. There's also a traffic-management system at
18 19 20 21 22	information. Q. Well, according to Mr. Bergstrom, he visits at least twice a year, correct? A. Yes. Q. Let me back up just a moment,	19 20 21 22	the equipment and trucks that are used to handle the talc, that they are all clean. So all of the all the trucks and loading equipment are washed before using for talc.

28 (Pages 364 to 367)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 30 of 68 PageID: 51721

Patrick Downey

	Page 368		Page 370
1	equipment that's already been cleaned.	1	the hull of the ship, correct?
2	Any spillage at the port is collected on	2	A. Well
3	tarps, and it's rejected due to potential	3	Q. Or berth of the ship?
4	contamination of anything that might be at the	4	A. Well, during transport, they are stored
5	port.	5	in the truck as lumps.
6	They have dedicated stockyards at the port	6	Q. Okay. That answers my question.
7	for Guangxi number 2. And when it's at the port in	7	A. And covered.
8	these dedicated stockyards, it's covered by	8	Q. I've seen some references to bags, and I
9	tarpaulins when it's stored there.	9	just wanted to make sure they were not bagged
10	There are also instructions regarding no	10	the talc was not bagged at that point.
11	storage of potential contaminants nearby. For	11	A. That's yeah. I don't believe so.
12	example, other minerals, you know, whether it's	12	Q. All right. Let me ask you, before you
13	coal or something else that might be moving through	13	turn away from Exhibit 42, I think it's one we were
14	the port and being temporarily stored there, or	14	just looking at, Exhibit 42, I'm going to ask you
15	other things that could potentially contaminate,	15	to turn to page 823. 823. And if you'll recall,
16	there are instructions regarding all that.	16	this is a memorandum that was written by
17	So all the logistics of what the port is	17	Mr. Crouse.
18	doing need to be worked out in advance so that all	18	A. The 1997?
19	of this can be accommodated according to their	19	Q. Yes. And he makes some recommendations.
20	procedures.	20	He says, lower portion of the paragraph, "A
21	Q. Okay. Is that you've taken us	21	Luzenac representative should be available at the
22	you've walked us from the mine to the port?	22	mine during the mining and sorting process in order
23	A. Right. I'm not quite done at the port.	23	to confirm that the order is being handled per
24	Q. Okay. What else?	24	negotiated contract parameters"; did I read that
25	A. During the loading procedure when	25	correctly?
	Page 369		Page 371
1	they're loading the ship, if, at a nearby berth,	-	rage 3/1
1	they re loading the ship. II. at a hearby berth.		MD CH VED. Come chiestian as to seem
		1	MR. SILVER: Same objection as to scope.
2	another ship is loading something else, or even on	2	The witness can answer.
3	another ship is loading something else, or even on the same ship, they're loading something into a	2	The witness can answer. A. That's what it says.
3 4	another ship is loading something else, or even on the same ship, they're loading something into a different hold that is potentially a contaminant,	2 3 4	The witness can answer. A. That's what it says. Q. (By Ms. O'Dell) And it's your
3 4 5	another ship is loading something else, or even on the same ship, they're loading something into a different hold that is potentially a contaminant, they stop loading. So there are protocols to guard	2 3 4 5	The witness can answer. A. That's what it says. Q. (By Ms. O'Dell) And it's your understanding that Luzenac, or Imerys
3 4 5 6	another ship is loading something else, or even on the same ship, they're loading something into a different hold that is potentially a contaminant, they stop loading. So there are protocols to guard against contamination during transport.	2 3 4 5 6	The witness can answer. A. That's what it says. Q. (By Ms. O'Dell) And it's your understanding that Luzenac, or Imerys representative, is not present at the Zhizhua Mine
3 4 5 6 7	another ship is loading something else, or even on the same ship, they're loading something into a different hold that is potentially a contaminant, they stop loading. So there are protocols to guard against contamination during transport. Q. The talc do you need to take a break?	2 3 4 5 6 7	The witness can answer. A. That's what it says. Q. (By Ms. O'Dell) And it's your understanding that Luzenac, or Imerys representative, is not present at the Zhizhua Mine when crude 2 talc is mined for sale to
3 4 5 6 7 8	another ship is loading something else, or even on the same ship, they're loading something into a different hold that is potentially a contaminant, they stop loading. So there are protocols to guard against contamination during transport. Q. The talc do you need to take a break? MR. PROST: He lost his coaster.	2 3 4 5 6 7 8	The witness can answer. A. That's what it says. Q. (By Ms. O'Dell) And it's your understanding that Luzenac, or Imerys representative, is not present at the Zhizhua Mine when crude 2 talc is mined for sale to Johnson & Johnson, correct?
3 4 5 6 7 8	another ship is loading something else, or even on the same ship, they're loading something into a different hold that is potentially a contaminant, they stop loading. So there are protocols to guard against contamination during transport. Q. The talc do you need to take a break? MR. PROST: He lost his coaster. THE WITNESS: The coaster was stuck to the	2 3 4 5 6 7 8 9	The witness can answer. A. That's what it says. Q. (By Ms. O'Dell) And it's your understanding that Luzenac, or Imerys representative, is not present at the Zhizhua Mine when crude 2 talc is mined for sale to Johnson & Johnson, correct? MR. PROST: Object to form.
3 4 5 6 7 8 9	another ship is loading something else, or even on the same ship, they're loading something into a different hold that is potentially a contaminant, they stop loading. So there are protocols to guard against contamination during transport. Q. The talc do you need to take a break? MR. PROST: He lost his coaster. THE WITNESS: The coaster was stuck to the bottom of the cup.	2 3 4 5 6 7 8 9	The witness can answer. A. That's what it says. Q. (By Ms. O'Dell) And it's your understanding that Luzenac, or Imerys representative, is not present at the Zhizhua Mine when crude 2 talc is mined for sale to Johnson & Johnson, correct? MR. PROST: Object to form. Q. (By Ms. O'Dell) That a let me see if
3 4 5 6 7 8 9 10	another ship is loading something else, or even on the same ship, they're loading something into a different hold that is potentially a contaminant, they stop loading. So there are protocols to guard against contamination during transport. Q. The talc do you need to take a break? MR. PROST: He lost his coaster. THE WITNESS: The coaster was stuck to the bottom of the cup. Q. (By Ms. O'Dell) The talc crude, just	2 3 4 5 6 7 8 9 10	The witness can answer. A. That's what it says. Q. (By Ms. O'Dell) And it's your understanding that Luzenac, or Imerys representative, is not present at the Zhizhua Mine when crude 2 talc is mined for sale to Johnson & Johnson, correct? MR. PROST: Object to form. Q. (By Ms. O'Dell) That a let me see if I can address the objection.
3 4 5 6 7 8 9 10 11 12	another ship is loading something else, or even on the same ship, they're loading something into a different hold that is potentially a contaminant, they stop loading. So there are protocols to guard against contamination during transport. Q. The talc do you need to take a break? MR. PROST: He lost his coaster. THE WITNESS: The coaster was stuck to the bottom of the cup. Q. (By Ms. O'Dell) The talc crude, just make sure I'm clear, when it's transported, you	2 3 4 5 6 7 8 9 10 11	The witness can answer. A. That's what it says. Q. (By Ms. O'Dell) And it's your understanding that Luzenac, or Imerys representative, is not present at the Zhizhua Mine when crude 2 talc is mined for sale to Johnson & Johnson, correct? MR. PROST: Object to form. Q. (By Ms. O'Dell) That a let me see if I can address the objection. As I understood your description of the
3 4 5 6 7 8 9 10 11 12 13	another ship is loading something else, or even on the same ship, they're loading something into a different hold that is potentially a contaminant, they stop loading. So there are protocols to guard against contamination during transport. Q. The talc do you need to take a break? MR. PROST: He lost his coaster. THE WITNESS: The coaster was stuck to the bottom of the cup. Q. (By Ms. O'Dell) The talc crude, just make sure I'm clear, when it's transported, you know, to the port by truck, it's in loose form.	2 3 4 5 6 7 8 9 10 11 12	The witness can answer. A. That's what it says. Q. (By Ms. O'Dell) And it's your understanding that Luzenac, or Imerys representative, is not present at the Zhizhua Mine when crude 2 talc is mined for sale to Johnson & Johnson, correct? MR. PROST: Object to form. Q. (By Ms. O'Dell) That a let me see if I can address the objection. As I understood your description of the process, an Imerys employee is not physically
3 4 5 6 7 8 9 10 11 12 13 14	another ship is loading something else, or even on the same ship, they're loading something into a different hold that is potentially a contaminant, they stop loading. So there are protocols to guard against contamination during transport. Q. The talc do you need to take a break? MR. PROST: He lost his coaster. THE WITNESS: The coaster was stuck to the bottom of the cup. Q. (By Ms. O'Dell) The talc crude, just make sure I'm clear, when it's transported, you know, to the port by truck, it's in loose form. It's not put in bags or anything like that.	2 3 4 5 6 7 8 9 10 11 12 13 14	The witness can answer. A. That's what it says. Q. (By Ms. O'Dell) And it's your understanding that Luzenac, or Imerys representative, is not present at the Zhizhua Mine when crude 2 talc is mined for sale to Johnson & Johnson, correct? MR. PROST: Object to form. Q. (By Ms. O'Dell) That a let me see if I can address the objection. As I understood your description of the process, an Imerys employee is not physically present to supervise the mining and sorting process
3 4 5 6 7 8 9 10 11 12 13 14 15	another ship is loading something else, or even on the same ship, they're loading something into a different hold that is potentially a contaminant, they stop loading. So there are protocols to guard against contamination during transport. Q. The talc do you need to take a break? MR. PROST: He lost his coaster. THE WITNESS: The coaster was stuck to the bottom of the cup. Q. (By Ms. O'Dell) The talc crude, just make sure I'm clear, when it's transported, you know, to the port by truck, it's in loose form. It's not put in bags or anything like that. It's loose, and then it's dumped onto the	2 3 4 5 6 7 8 9 10 11 12 13 14 15	The witness can answer. A. That's what it says. Q. (By Ms. O'Dell) And it's your understanding that Luzenac, or Imerys representative, is not present at the Zhizhua Mine when crude 2 talc is mined for sale to Johnson & Johnson, correct? MR. PROST: Object to form. Q. (By Ms. O'Dell) That a let me see if I can address the objection. As I understood your description of the process, an Imerys employee is not physically present to supervise the mining and sorting process in relation to Guangxi 2 crude?
3 4 5 6 7 8 9 10 11 12 13 14 15 16	another ship is loading something else, or even on the same ship, they're loading something into a different hold that is potentially a contaminant, they stop loading. So there are protocols to guard against contamination during transport. Q. The talc do you need to take a break? MR. PROST: He lost his coaster. THE WITNESS: The coaster was stuck to the bottom of the cup. Q. (By Ms. O'Dell) The talc crude, just make sure I'm clear, when it's transported, you know, to the port by truck, it's in loose form. It's not put in bags or anything like that. It's loose, and then it's dumped onto the concrete holding area at the port, and then at some	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	The witness can answer. A. That's what it says. Q. (By Ms. O'Dell) And it's your understanding that Luzenac, or Imerys representative, is not present at the Zhizhua Mine when crude 2 talc is mined for sale to Johnson & Johnson, correct? MR. PROST: Object to form. Q. (By Ms. O'Dell) That a let me see if I can address the objection. As I understood your description of the process, an Imerys employee is not physically present to supervise the mining and sorting process in relation to Guangxi 2 crude? MR. PROST: Objection.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	another ship is loading something else, or even on the same ship, they're loading something into a different hold that is potentially a contaminant, they stop loading. So there are protocols to guard against contamination during transport. Q. The talc do you need to take a break? MR. PROST: He lost his coaster. THE WITNESS: The coaster was stuck to the bottom of the cup. Q. (By Ms. O'Dell) The talc crude, just make sure I'm clear, when it's transported, you know, to the port by truck, it's in loose form. It's not put in bags or anything like that. It's loose, and then it's dumped onto the concrete holding area at the port, and then at some point, it is then put in the hold on the ship; is	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	The witness can answer. A. That's what it says. Q. (By Ms. O'Dell) And it's your understanding that Luzenac, or Imerys representative, is not present at the Zhizhua Mine when crude 2 talc is mined for sale to Johnson & Johnson, correct? MR. PROST: Object to form. Q. (By Ms. O'Dell) That a let me see if I can address the objection. As I understood your description of the process, an Imerys employee is not physically present to supervise the mining and sorting process in relation to Guangxi 2 crude? MR. PROST: Objection. A. It's my understanding that that's done
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	another ship is loading something else, or even on the same ship, they're loading something into a different hold that is potentially a contaminant, they stop loading. So there are protocols to guard against contamination during transport. Q. The talc do you need to take a break? MR. PROST: He lost his coaster. THE WITNESS: The coaster was stuck to the bottom of the cup. Q. (By Ms. O'Dell) The talc crude, just make sure I'm clear, when it's transported, you know, to the port by truck, it's in loose form. It's not put in bags or anything like that. It's loose, and then it's dumped onto the concrete holding area at the port, and then at some point, it is then put in the hold on the ship; is that fair?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	The witness can answer. A. That's what it says. Q. (By Ms. O'Dell) And it's your understanding that Luzenac, or Imerys representative, is not present at the Zhizhua Mine when crude 2 talc is mined for sale to Johnson & Johnson, correct? MR. PROST: Object to form. Q. (By Ms. O'Dell) That a let me see if I can address the objection. As I understood your description of the process, an Imerys employee is not physically present to supervise the mining and sorting process in relation to Guangxi 2 crude? MR. PROST: Objection. A. It's my understanding that that's done on an audit basis, not on a continual basis.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	another ship is loading something else, or even on the same ship, they're loading something into a different hold that is potentially a contaminant, they stop loading. So there are protocols to guard against contamination during transport. Q. The talc do you need to take a break? MR. PROST: He lost his coaster. THE WITNESS: The coaster was stuck to the bottom of the cup. Q. (By Ms. O'Dell) The talc crude, just make sure I'm clear, when it's transported, you know, to the port by truck, it's in loose form. It's not put in bags or anything like that. It's loose, and then it's dumped onto the concrete holding area at the port, and then at some point, it is then put in the hold on the ship; is that fair? A. The lumps are loose, but they're in a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	The witness can answer. A. That's what it says. Q. (By Ms. O'Dell) And it's your understanding that Luzenac, or Imerys representative, is not present at the Zhizhua Mine when crude 2 talc is mined for sale to Johnson & Johnson, correct? MR. PROST: Object to form. Q. (By Ms. O'Dell) That a let me see if I can address the objection. As I understood your description of the process, an Imerys employee is not physically present to supervise the mining and sorting process in relation to Guangxi 2 crude? MR. PROST: Objection. A. It's my understanding that that's done on an audit basis, not on a continual basis. They're not there during the entire mining
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	another ship is loading something else, or even on the same ship, they're loading something into a different hold that is potentially a contaminant, they stop loading. So there are protocols to guard against contamination during transport. Q. The talc do you need to take a break? MR. PROST: He lost his coaster. THE WITNESS: The coaster was stuck to the bottom of the cup. Q. (By Ms. O'Dell) The talc crude, just make sure I'm clear, when it's transported, you know, to the port by truck, it's in loose form. It's not put in bags or anything like that. It's loose, and then it's dumped onto the concrete holding area at the port, and then at some point, it is then put in the hold on the ship; is that fair? A. The lumps are loose, but they're in a covered truck.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	The witness can answer. A. That's what it says. Q. (By Ms. O'Dell) And it's your understanding that Luzenac, or Imerys representative, is not present at the Zhizhua Mine when crude 2 talc is mined for sale to Johnson & Johnson, correct? MR. PROST: Object to form. Q. (By Ms. O'Dell) That a let me see if I can address the objection. As I understood your description of the process, an Imerys employee is not physically present to supervise the mining and sorting process in relation to Guangxi 2 crude? MR. PROST: Objection. A. It's my understanding that that's done on an audit basis, not on a continual basis. They're not there during the entire mining campaign.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	another ship is loading something else, or even on the same ship, they're loading something into a different hold that is potentially a contaminant, they stop loading. So there are protocols to guard against contamination during transport. Q. The talc do you need to take a break? MR. PROST: He lost his coaster. THE WITNESS: The coaster was stuck to the bottom of the cup. Q. (By Ms. O'Dell) The talc crude, just make sure I'm clear, when it's transported, you know, to the port by truck, it's in loose form. It's not put in bags or anything like that. It's loose, and then it's dumped onto the concrete holding area at the port, and then at some point, it is then put in the hold on the ship; is that fair? A. The lumps are loose, but they're in a covered truck. Q. Covered truck. But they're not bagged	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	The witness can answer. A. That's what it says. Q. (By Ms. O'Dell) And it's your understanding that Luzenac, or Imerys representative, is not present at the Zhizhua Mine when crude 2 talc is mined for sale to Johnson & Johnson, correct? MR. PROST: Object to form. Q. (By Ms. O'Dell) That a let me see if I can address the objection. As I understood your description of the process, an Imerys employee is not physically present to supervise the mining and sorting process in relation to Guangxi 2 crude? MR. PROST: Objection. A. It's my understanding that that's done on an audit basis, not on a continual basis. They're not there during the entire mining campaign. Q. (By Ms. O'Dell) Okay. Then Mr. Crouse
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	another ship is loading something else, or even on the same ship, they're loading something into a different hold that is potentially a contaminant, they stop loading. So there are protocols to guard against contamination during transport. Q. The talc do you need to take a break? MR. PROST: He lost his coaster. THE WITNESS: The coaster was stuck to the bottom of the cup. Q. (By Ms. O'Dell) The talc crude, just make sure I'm clear, when it's transported, you know, to the port by truck, it's in loose form. It's not put in bags or anything like that. It's loose, and then it's dumped onto the concrete holding area at the port, and then at some point, it is then put in the hold on the ship; is that fair? A. The lumps are loose, but they're in a covered truck. Q. Covered truck. But they're not bagged or anything. They remain loose within the truck.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	The witness can answer. A. That's what it says. Q. (By Ms. O'Dell) And it's your understanding that Luzenac, or Imerys representative, is not present at the Zhizhua Mine when crude 2 talc is mined for sale to Johnson & Johnson, correct? MR. PROST: Object to form. Q. (By Ms. O'Dell) That a let me see if I can address the objection. As I understood your description of the process, an Imerys employee is not physically present to supervise the mining and sorting process in relation to Guangxi 2 crude? MR. PROST: Objection. A. It's my understanding that that's done on an audit basis, not on a continual basis. They're not there during the entire mining campaign. Q. (By Ms. O'Dell) Okay. Then Mr. Crouse goes on to say, "Meeting the ore at the port will
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	another ship is loading something else, or even on the same ship, they're loading something into a different hold that is potentially a contaminant, they stop loading. So there are protocols to guard against contamination during transport. Q. The talc do you need to take a break? MR. PROST: He lost his coaster. THE WITNESS: The coaster was stuck to the bottom of the cup. Q. (By Ms. O'Dell) The talc crude, just make sure I'm clear, when it's transported, you know, to the port by truck, it's in loose form. It's not put in bags or anything like that. It's loose, and then it's dumped onto the concrete holding area at the port, and then at some point, it is then put in the hold on the ship; is that fair? A. The lumps are loose, but they're in a covered truck. Q. Covered truck. But they're not bagged or anything. They remain loose within the truck. They're dumped. They continue to remain loose.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	The witness can answer. A. That's what it says. Q. (By Ms. O'Dell) And it's your understanding that Luzenac, or Imerys representative, is not present at the Zhizhua Mine when crude 2 talc is mined for sale to Johnson & Johnson, correct? MR. PROST: Object to form. Q. (By Ms. O'Dell) That a let me see if I can address the objection. As I understood your description of the process, an Imerys employee is not physically present to supervise the mining and sorting process in relation to Guangxi 2 crude? MR. PROST: Objection. A. It's my understanding that that's done on an audit basis, not on a continual basis. They're not there during the entire mining campaign. Q. (By Ms. O'Dell) Okay. Then Mr. Crouse goes on to say, "Meeting the ore at the port will never allow us to control the quality and chemistry
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	another ship is loading something else, or even on the same ship, they're loading something into a different hold that is potentially a contaminant, they stop loading. So there are protocols to guard against contamination during transport. Q. The talc do you need to take a break? MR. PROST: He lost his coaster. THE WITNESS: The coaster was stuck to the bottom of the cup. Q. (By Ms. O'Dell) The talc crude, just make sure I'm clear, when it's transported, you know, to the port by truck, it's in loose form. It's not put in bags or anything like that. It's loose, and then it's dumped onto the concrete holding area at the port, and then at some point, it is then put in the hold on the ship; is that fair? A. The lumps are loose, but they're in a covered truck. Q. Covered truck. But they're not bagged or anything. They remain loose within the truck.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	The witness can answer. A. That's what it says. Q. (By Ms. O'Dell) And it's your understanding that Luzenac, or Imerys representative, is not present at the Zhizhua Mine when crude 2 talc is mined for sale to Johnson & Johnson, correct? MR. PROST: Object to form. Q. (By Ms. O'Dell) That a let me see if I can address the objection. As I understood your description of the process, an Imerys employee is not physically present to supervise the mining and sorting process in relation to Guangxi 2 crude? MR. PROST: Objection. A. It's my understanding that that's done on an audit basis, not on a continual basis. They're not there during the entire mining campaign. Q. (By Ms. O'Dell) Okay. Then Mr. Crouse goes on to say, "Meeting the ore at the port will

29 (Pages 368 to 371)

	Page 372		Page 374
1	A. That's what it says.	1	They come from the same deposit."
2	Q. We've been talking about different types	2	We're talking about talc deposit, correct?
3	of ore, Guangxi 2, Guangxi 2A, I think we	3	A. Yes.
4	referenced.	4	Q. "Mineralogy, whiteness and behavior and
5	What's the difference between Guangxi 2 and	5	application are the same, but the suppliers are
6	Guangxi 2A?	6	different. Guangxi 2A is produced by Guinguang
7	A. I don't know. If there's document that	7	whereas Guangxi 2 is produced by Huamei. The two
8	might speak to that.	8	different names are due to historical reasons so
9	Q. Who is Jim Kopp? K-o-p-p.	9	they can be mixed together and we have already done
10	A. Jim was yes. He was the former	10	it many times (Number 2 is used to replace 2A when
11	manager of the Houston plant.	11	shortage). In fact, they normally arrive already
12	Q. And the Houston plant is the Imerys	12	mixed"; did I read that correctly?
13	processing plant where the Chinese ore that will be	13	A. That's what it says.
14	sold to Johnson & Johnson is processed, correct?	14	Q. And would it be true that Guangxi 2 and
15	A. That's correct.	15	Guangxi 2A were blended together when sold to
16	Q. Let me show you what I'm going to mark	16	Johnson & Johnson?
17	as Exhibit 43.	17	MR. PROST: Object to form.
18	(Exhibit 43 was marked for identification.)	18	A. From that document, I cannot tell.
19	MS. O'DELL: And I only have one copy of it,	19	Mr. Kopp, when he received the e-mail, he said,
20		20	"Let's discuss." So they were going to evaluate.
21	I'm sorry to say.	21	I don't see other information.
	Q. (By Ms. O'Dell) It's an e-mail, and	22	
22	I'll try to walk us through together in a way that	23	And as far as Mr. Robert says, that could
23	you can read it. And I think you'll be able to see	23	have been he may have been talking about the
24 25	it.		sourcing and supply for the plants in Europe.
25	MR. PROST: Can we have a Bates stamp,	25	So I can't tell from that document.
	Page 373		Page 375
1	please?	1	Q. Is there any employee of Imerys Talc
2	please? MS. O'DELL: It's Exhibit 43, IMERYS 058991.	2	Q. Is there any employee of Imerys Talc America that regularly audits the Zhizhua mine
2 3	please? MS. O'DELL: It's Exhibit 43, IMERYS 058991. Q. (By Ms. O'Dell) Okay?	2	Q. Is there any employee of Imerys Talc America that regularly audits the Zhizhua mine operation?
2 3 4	please? MS. O'DELL: It's Exhibit 43, IMERYS 058991. Q. (By Ms. O'Dell) Okay? A. Would you mind if I read it? Because	2 3 4	Q. Is there any employee of Imerys Talc America that regularly audits the Zhizhua mine operation? MR. PROST: Object to form.
2 3 4 5	please? MS. O'DELL: It's Exhibit 43, IMERYS 058991. Q. (By Ms. O'Dell) Okay? A. Would you mind if I read it? Because it's hard for me to see that far.	2 3 4 5	Q. Is there any employee of Imerys Talc America that regularly audits the Zhizhua mine operation? MR. PROST: Object to form. A. It's my understanding, not from Imerys
2 3 4 5 6	please? MS. O'DELL: It's Exhibit 43, IMERYS 058991. Q. (By Ms. O'Dell) Okay? A. Would you mind if I read it? Because it's hard for me to see that far. Q. Okay. How about you take a look at it	2 3 4 5 6	Q. Is there any employee of Imerys Talc America that regularly audits the Zhizhua mine operation? MR. PROST: Object to form. A. It's my understanding, not from Imerys Talc America.
2 3 4 5 6 7	please? MS. O'DELL: It's Exhibit 43, IMERYS 058991. Q. (By Ms. O'Dell) Okay? A. Would you mind if I read it? Because it's hard for me to see that far. Q. Okay. How about you take a look at it and then hand it back to me and then we can put it	2 3 4 5 6 7	Q. Is there any employee of Imerys Talc America that regularly audits the Zhizhua mine operation? MR. PROST: Object to form. A. It's my understanding, not from Imerys Talc America. Q. (By Ms. O'Dell) That responsibility is
2 3 4 5 6 7 8	please? MS. O'DELL: It's Exhibit 43, IMERYS 058991. Q. (By Ms. O'Dell) Okay? A. Would you mind if I read it? Because it's hard for me to see that far. Q. Okay. How about you take a look at it and then hand it back to me and then we can put it up on the	2 3 4 5 6	Q. Is there any employee of Imerys Talc America that regularly audits the Zhizhua mine operation? MR. PROST: Object to form. A. It's my understanding, not from Imerys Talc America. Q. (By Ms. O'Dell) That responsibility is delegated to Mr. Bergstrom, who's an employee of
2 3 4 5 6 7 8 9	please? MS. O'DELL: It's Exhibit 43, IMERYS 058991. Q. (By Ms. O'Dell) Okay? A. Would you mind if I read it? Because it's hard for me to see that far. Q. Okay. How about you take a look at it and then hand it back to me and then we can put it up on the A. That's fine.	2 3 4 5 6 7 8	Q. Is there any employee of Imerys Talc America that regularly audits the Zhizhua mine operation? MR. PROST: Object to form. A. It's my understanding, not from Imerys Talc America. Q. (By Ms. O'Dell) That responsibility is delegated to Mr. Bergstrom, who's an employee of Imerys Talc Europe?
2 3 4 5 6 7 8 9	please? MS. O'DELL: It's Exhibit 43, IMERYS 058991. Q. (By Ms. O'Dell) Okay? A. Would you mind if I read it? Because it's hard for me to see that far. Q. Okay. How about you take a look at it and then hand it back to me and then we can put it up on the A. That's fine. Q screen.	2 3 4 5 6 7 8 9	Q. Is there any employee of Imerys Talc America that regularly audits the Zhizhua mine operation? MR. PROST: Object to form. A. It's my understanding, not from Imerys Talc America. Q. (By Ms. O'Dell) That responsibility is delegated to Mr. Bergstrom, who's an employee of Imerys Talc Europe? MR. PROST: Objection.
2 3 4 5 6 7 8 9 10	please? MS. O'DELL: It's Exhibit 43, IMERYS 058991. Q. (By Ms. O'Dell) Okay? A. Would you mind if I read it? Because it's hard for me to see that far. Q. Okay. How about you take a look at it and then hand it back to me and then we can put it up on the A. That's fine. Q screen. A. (Document reviewed.)	2 3 4 5 6 7 8 9 10	Q. Is there any employee of Imerys Talc America that regularly audits the Zhizhua mine operation? MR. PROST: Object to form. A. It's my understanding, not from Imerys Talc America. Q. (By Ms. O'Dell) That responsibility is delegated to Mr. Bergstrom, who's an employee of Imerys Talc Europe? MR. PROST: Objection. A. That function is performed by him.
2 3 4 5 6 7 8 9 10 11	please? MS. O'DELL: It's Exhibit 43, IMERYS 058991. Q. (By Ms. O'Dell) Okay? A. Would you mind if I read it? Because it's hard for me to see that far. Q. Okay. How about you take a look at it and then hand it back to me and then we can put it up on the A. That's fine. Q screen. A. (Document reviewed.) Q. All right. Quickly.	2 3 4 5 6 7 8 9 10 11	Q. Is there any employee of Imerys Talc America that regularly audits the Zhizhua mine operation? MR. PROST: Object to form. A. It's my understanding, not from Imerys Talc America. Q. (By Ms. O'Dell) That responsibility is delegated to Mr. Bergstrom, who's an employee of Imerys Talc Europe? MR. PROST: Objection. A. That function is performed by him. That's my understanding.
2 3 4 5 6 7 8 9 10 11 12	please? MS. O'DELL: It's Exhibit 43, IMERYS 058991. Q. (By Ms. O'Dell) Okay? A. Would you mind if I read it? Because it's hard for me to see that far. Q. Okay. How about you take a look at it and then hand it back to me and then we can put it up on the A. That's fine. Q screen. A. (Document reviewed.) Q. All right. Quickly. This is a appears to be a June 7th, 2006,	2 3 4 5 6 7 8 9 10 11 12	Q. Is there any employee of Imerys Talc America that regularly audits the Zhizhua mine operation? MR. PROST: Object to form. A. It's my understanding, not from Imerys Talc America. Q. (By Ms. O'Dell) That responsibility is delegated to Mr. Bergstrom, who's an employee of Imerys Talc Europe? MR. PROST: Objection. A. That function is performed by him. That's my understanding. Q. (By Ms. O'Dell) When the mine is
2 3 4 5 6 7 8 9 10 11 12 13 14	please? MS. O'DELL: It's Exhibit 43, IMERYS 058991. Q. (By Ms. O'Dell) Okay? A. Would you mind if I read it? Because it's hard for me to see that far. Q. Okay. How about you take a look at it and then hand it back to me and then we can put it up on the A. That's fine. Q screen. A. (Document reviewed.) Q. All right. Quickly. This is a appears to be a June 7th, 2006, e-mail. It's in French. I don't know French, but	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. Is there any employee of Imerys Talc America that regularly audits the Zhizhua mine operation? MR. PROST: Object to form. A. It's my understanding, not from Imerys Talc America. Q. (By Ms. O'Dell) That responsibility is delegated to Mr. Bergstrom, who's an employee of Imerys Talc Europe? MR. PROST: Objection. A. That function is performed by him. That's my understanding. Q. (By Ms. O'Dell) When the mine is audited by let me strike that and start again.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	please? MS. O'DELL: It's Exhibit 43, IMERYS 058991. Q. (By Ms. O'Dell) Okay? A. Would you mind if I read it? Because it's hard for me to see that far. Q. Okay. How about you take a look at it and then hand it back to me and then we can put it up on the A. That's fine. Q screen. A. (Document reviewed.) Q. All right. Quickly. This is a appears to be a June 7th, 2006, e-mail. It's in French. I don't know French, but I'm just I believe that's June. So June 7,	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Is there any employee of Imerys Talc America that regularly audits the Zhizhua mine operation? MR. PROST: Object to form. A. It's my understanding, not from Imerys Talc America. Q. (By Ms. O'Dell) That responsibility is delegated to Mr. Bergstrom, who's an employee of Imerys Talc Europe? MR. PROST: Objection. A. That function is performed by him. That's my understanding. Q. (By Ms. O'Dell) When the mine is audited by let me strike that and start again. Has anyone from Imerys Talc America or any
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	please? MS. O'DELL: It's Exhibit 43, IMERYS 058991. Q. (By Ms. O'Dell) Okay? A. Would you mind if I read it? Because it's hard for me to see that far. Q. Okay. How about you take a look at it and then hand it back to me and then we can put it up on the A. That's fine. Q screen. A. (Document reviewed.) Q. All right. Quickly. This is a appears to be a June 7th, 2006, e-mail. It's in French. I don't know French, but I'm just I believe that's June. So June 7, 2006. It's from Jim Kopp, the manager in Houston?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Is there any employee of Imerys Talc America that regularly audits the Zhizhua mine operation? MR. PROST: Object to form. A. It's my understanding, not from Imerys Talc America. Q. (By Ms. O'Dell) That responsibility is delegated to Mr. Bergstrom, who's an employee of Imerys Talc Europe? MR. PROST: Objection. A. That function is performed by him. That's my understanding. Q. (By Ms. O'Dell) When the mine is audited by let me strike that and start again. Has anyone from Imerys Talc America or any other Imerys entity had access to the drill cores
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	please? MS. O'DELL: It's Exhibit 43, IMERYS 058991. Q. (By Ms. O'Dell) Okay? A. Would you mind if I read it? Because it's hard for me to see that far. Q. Okay. How about you take a look at it and then hand it back to me and then we can put it up on the A. That's fine. Q screen. A. (Document reviewed.) Q. All right. Quickly. This is a appears to be a June 7th, 2006, e-mail. It's in French. I don't know French, but I'm just I believe that's June. So June 7, 2006. It's from Jim Kopp, the manager in Houston? A. Mm-hmm.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Is there any employee of Imerys Talc America that regularly audits the Zhizhua mine operation? MR. PROST: Object to form. A. It's my understanding, not from Imerys Talc America. Q. (By Ms. O'Dell) That responsibility is delegated to Mr. Bergstrom, who's an employee of Imerys Talc Europe? MR. PROST: Objection. A. That function is performed by him. That's my understanding. Q. (By Ms. O'Dell) When the mine is audited by let me strike that and start again. Has anyone from Imerys Talc America or any other Imerys entity had access to the drill cores from the Zhizhua mine?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	please? MS. O'DELL: It's Exhibit 43, IMERYS 058991. Q. (By Ms. O'Dell) Okay? A. Would you mind if I read it? Because it's hard for me to see that far. Q. Okay. How about you take a look at it and then hand it back to me and then we can put it up on the A. That's fine. Q screen. A. (Document reviewed.) Q. All right. Quickly. This is a appears to be a June 7th, 2006, e-mail. It's in French. I don't know French, but I'm just I believe that's June. So June 7, 2006. It's from Jim Kopp, the manager in Houston? A. Mm-hmm. Q. Processing plant, to J.F. Robert?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Is there any employee of Imerys Talc America that regularly audits the Zhizhua mine operation? MR. PROST: Object to form. A. It's my understanding, not from Imerys Talc America. Q. (By Ms. O'Dell) That responsibility is delegated to Mr. Bergstrom, who's an employee of Imerys Talc Europe? MR. PROST: Objection. A. That function is performed by him. That's my understanding. Q. (By Ms. O'Dell) When the mine is audited by let me strike that and start again. Has anyone from Imerys Talc America or any other Imerys entity had access to the drill cores from the Zhizhua mine? MR. PROST: Objection.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	please? MS. O'DELL: It's Exhibit 43, IMERYS 058991. Q. (By Ms. O'Dell) Okay? A. Would you mind if I read it? Because it's hard for me to see that far. Q. Okay. How about you take a look at it and then hand it back to me and then we can put it up on the A. That's fine. Q screen. A. (Document reviewed.) Q. All right. Quickly. This is a appears to be a June 7th, 2006, e-mail. It's in French. I don't know French, but I'm just I believe that's June. So June 7, 2006. It's from Jim Kopp, the manager in Houston? A. Mm-hmm. Q. Processing plant, to J.F. Robert? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Is there any employee of Imerys Talc America that regularly audits the Zhizhua mine operation? MR. PROST: Object to form. A. It's my understanding, not from Imerys Talc America. Q. (By Ms. O'Dell) That responsibility is delegated to Mr. Bergstrom, who's an employee of Imerys Talc Europe? MR. PROST: Objection. A. That function is performed by him. That's my understanding. Q. (By Ms. O'Dell) When the mine is audited by let me strike that and start again. Has anyone from Imerys Talc America or any other Imerys entity had access to the drill cores from the Zhizhua mine? MR. PROST: Objection. A. Has anybody from where? From?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	please? MS. O'DELL: It's Exhibit 43, IMERYS 058991. Q. (By Ms. O'Dell) Okay? A. Would you mind if I read it? Because it's hard for me to see that far. Q. Okay. How about you take a look at it and then hand it back to me and then we can put it up on the A. That's fine. Q screen. A. (Document reviewed.) Q. All right. Quickly. This is a appears to be a June 7th, 2006, e-mail. It's in French. I don't know French, but I'm just I believe that's June. So June 7, 2006. It's from Jim Kopp, the manager in Houston? A. Mm-hmm. Q. Processing plant, to J.F. Robert? A. Yes. Q. And Mr. Kopp asks, "Can you describe the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Is there any employee of Imerys Talc America that regularly audits the Zhizhua mine operation? MR. PROST: Object to form. A. It's my understanding, not from Imerys Talc America. Q. (By Ms. O'Dell) That responsibility is delegated to Mr. Bergstrom, who's an employee of Imerys Talc Europe? MR. PROST: Objection. A. That function is performed by him. That's my understanding. Q. (By Ms. O'Dell) When the mine is audited by let me strike that and start again. Has anyone from Imerys Talc America or any other Imerys entity had access to the drill cores from the Zhizhua mine? MR. PROST: Objection. A. Has anybody from where? From? Q. (By Ms. O'Dell) I said Imerys Talc
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	please? MS. O'DELL: It's Exhibit 43, IMERYS 058991. Q. (By Ms. O'Dell) Okay? A. Would you mind if I read it? Because it's hard for me to see that far. Q. Okay. How about you take a look at it and then hand it back to me and then we can put it up on the A. That's fine. Q screen. A. (Document reviewed.) Q. All right. Quickly. This is a appears to be a June 7th, 2006, e-mail. It's in French. I don't know French, but I'm just I believe that's June. So June 7, 2006. It's from Jim Kopp, the manager in Houston? A. Mm-hmm. Q. Processing plant, to J.F. Robert? A. Yes. Q. And Mr. Kopp asks, "Can you describe the difference between Guangxi 2 and Guangxi 2A to me?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Is there any employee of Imerys Talc America that regularly audits the Zhizhua mine operation? MR. PROST: Object to form. A. It's my understanding, not from Imerys Talc America. Q. (By Ms. O'Dell) That responsibility is delegated to Mr. Bergstrom, who's an employee of Imerys Talc Europe? MR. PROST: Objection. A. That function is performed by him. That's my understanding. Q. (By Ms. O'Dell) When the mine is audited by let me strike that and start again. Has anyone from Imerys Talc America or any other Imerys entity had access to the drill cores from the Zhizhua mine? MR. PROST: Objection. A. Has anybody from where? From? Q. (By Ms. O'Dell) I said Imerys Talc America or any other Imerys entities, to your
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	please? MS. O'DELL: It's Exhibit 43, IMERYS 058991. Q. (By Ms. O'Dell) Okay? A. Would you mind if I read it? Because it's hard for me to see that far. Q. Okay. How about you take a look at it and then hand it back to me and then we can put it up on the A. That's fine. Q screen. A. (Document reviewed.) Q. All right. Quickly. This is a appears to be a June 7th, 2006, e-mail. It's in French. I don't know French, but I'm just I believe that's June. So June 7, 2006. It's from Jim Kopp, the manager in Houston? A. Mm-hmm. Q. Processing plant, to J.F. Robert? A. Yes. Q. And Mr. Kopp asks, "Can you describe the difference between Guangxi 2 and Guangxi 2A to me? And should these two crudes be blended together as	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Is there any employee of Imerys Talc America that regularly audits the Zhizhua mine operation? MR. PROST: Object to form. A. It's my understanding, not from Imerys Talc America. Q. (By Ms. O'Dell) That responsibility is delegated to Mr. Bergstrom, who's an employee of Imerys Talc Europe? MR. PROST: Objection. A. That function is performed by him. That's my understanding. Q. (By Ms. O'Dell) When the mine is audited by let me strike that and start again. Has anyone from Imerys Talc America or any other Imerys entity had access to the drill cores from the Zhizhua mine? MR. PROST: Objection. A. Has anybody from where? From? Q. (By Ms. O'Dell) I said Imerys Talc America or any other Imerys entities, to your knowledge, had access to the drill cores of the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	please? MS. O'DELL: It's Exhibit 43, IMERYS 058991. Q. (By Ms. O'Dell) Okay? A. Would you mind if I read it? Because it's hard for me to see that far. Q. Okay. How about you take a look at it and then hand it back to me and then we can put it up on the A. That's fine. Q screen. A. (Document reviewed.) Q. All right. Quickly. This is a appears to be a June 7th, 2006, e-mail. It's in French. I don't know French, but I'm just I believe that's June. So June 7, 2006. It's from Jim Kopp, the manager in Houston? A. Mm-hmm. Q. Processing plant, to J.F. Robert? A. Yes. Q. And Mr. Kopp asks, "Can you describe the difference between Guangxi 2 and Guangxi 2A to me? And should these two crudes be blended together as we unload them or should we keep them separate?"	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Is there any employee of Imerys Talc America that regularly audits the Zhizhua mine operation? MR. PROST: Object to form. A. It's my understanding, not from Imerys Talc America. Q. (By Ms. O'Dell) That responsibility is delegated to Mr. Bergstrom, who's an employee of Imerys Talc Europe? MR. PROST: Objection. A. That function is performed by him. That's my understanding. Q. (By Ms. O'Dell) When the mine is audited by let me strike that and start again. Has anyone from Imerys Talc America or any other Imerys entity had access to the drill cores from the Zhizhua mine? MR. PROST: Objection. A. Has anybody from where? From? Q. (By Ms. O'Dell) I said Imerys Talc America or any other Imerys entities, to your knowledge, had access to the drill cores of the Zhizhua mine?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	please? MS. O'DELL: It's Exhibit 43, IMERYS 058991. Q. (By Ms. O'Dell) Okay? A. Would you mind if I read it? Because it's hard for me to see that far. Q. Okay. How about you take a look at it and then hand it back to me and then we can put it up on the A. That's fine. Q screen. A. (Document reviewed.) Q. All right. Quickly. This is a appears to be a June 7th, 2006, e-mail. It's in French. I don't know French, but I'm just I believe that's June. So June 7, 2006. It's from Jim Kopp, the manager in Houston? A. Mm-hmm. Q. Processing plant, to J.F. Robert? A. Yes. Q. And Mr. Kopp asks, "Can you describe the difference between Guangxi 2 and Guangxi 2A to me? And should these two crudes be blended together as	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Is there any employee of Imerys Talc America that regularly audits the Zhizhua mine operation? MR. PROST: Object to form. A. It's my understanding, not from Imerys Talc America. Q. (By Ms. O'Dell) That responsibility is delegated to Mr. Bergstrom, who's an employee of Imerys Talc Europe? MR. PROST: Objection. A. That function is performed by him. That's my understanding. Q. (By Ms. O'Dell) When the mine is audited by let me strike that and start again. Has anyone from Imerys Talc America or any other Imerys entity had access to the drill cores from the Zhizhua mine? MR. PROST: Objection. A. Has anybody from where? From? Q. (By Ms. O'Dell) I said Imerys Talc America or any other Imerys entities, to your knowledge, had access to the drill cores of the

30 (Pages 372 to 375)

	Page 376		Page 378
1	or any other related Imerys entities had access to	1	Q. Does Imerys do any testing of the ore
2	core logs from drilling that's taken place at the	2	while it is in China?
3	Zhizhua mine?	3	A. We may test it from time to time, but
4	MR. PROST: Object to form.	4	it's not our ore until we purchase it.
5	A. I'm not aware if they have.	5	Q. I'll rephrase the question. Do Imerys
6	Q. (By Ms. O'Dell) Have you seen, in your	6	employees strike that. Start again.
7	preparation for your testimony today, any core logs	7	Does Imerys conduct any systematic testing
8	from the Zhizhua mine?	8	of the Guangxi 2A ore while it is in China? Yes or
9	A. No. If I did, they'd be in Chinese, and	9	no?
10	I wouldn't know how to read them anyway.	10	A. I don't know the detail of that part of
11	Q. Maybe, maybe not. You don't know, one	11	the sourcing. The ore 2A we don't own the ore
12	way or the other.	12	until we execute the purchase. And once we receive
13	A. Well, if they were in Chinese, I know	13	it into our Houston plant, we do our own exhaustive
14	that I couldn't read them.	14	and rigorous testing to assure ourselves that it
15	Q. You haven't seen any	15	meets the specifications before we use it.
16	A. No, I haven't.	16	Q. So you're not aware of any activities
17	Q. The answer is "no"?	17	for testing the ore that Imerys undertakes while it
18	A. I haven't seen any.	18	is in China, true?
19	VIDEOGRAPHER: About an hour and a half	19	A. I'm not aware of the details.
20	left.	20	Q. And to your knowledge, Imerys has no
21	MS. O'DELL: Let's go off the record.	21	consistent presence of an employee in China, true?
22	VIDEOGRAPHER: Off the record at 2:10.	22	MR. PROST: Object to form.
23	(Recess taken.)	23	A. What do you mean by "consistent"?
24	VIDEOGRAPHER: We are back on the record	24	Q. (By Ms. O'Dell) I mean like on a
25	at 2:28.	25	continual basis, there's not an Imerys employee
	Page 377		Page 379
1	Q. (By Ms. O'Dell) In terms of the mining	1	assigned to be at the mines in China?
2	operations and the sorting process that takes place	2	And specifically, just to make sure my
3	in China, what efforts or what actions do Imerys	3	question's clear, there's no Imerys employee that's
4	undertake to ensure that the talc supplied from the	4	assigned to be at the Zhizhua mine on an ongoing
5	Zhizhua mine is within specification?	5	basis, true?
6	A. Generally speaking, it's my	6	A. You mean continuously?
7	understanding that the mine is periodically	7	Q. Yes.
8	audited. And we received a certification from the	8	A. I don't believe we have an Imerys
9	miner that the product meets our specifications.	9	employee continually there.
10	Q. What actions does Imerys take to ensure	10	Q. During audits and when you have
11	that the certification provided by the mining	11	represented that Imerys or talc Europe employee,
12	company is accurate?	12	Mr. Bergstrom, is allowed to access to the mine,
13	A. Well, once we receive the ore in	13	these audit trips you've mentioned, during those
13	The west, since we receive the site in		
14	Houston, we receive it into the plant. We	14	occasions, are samples taken for testing as a part
	Houston, we receive it into the plant. We quarantine it. As it's being received, we build a	15	
14	Houston, we receive it into the plant. We quarantine it. As it's being received, we build a large composite representative sample of it. We	15 16	occasions, are samples taken for testing as a part of that audit process? A. I don't know the details of that, but I
14 15	Houston, we receive it into the plant. We quarantine it. As it's being received, we build a large composite representative sample of it. We batch it through the plant, making various	15 16 17	occasions, are samples taken for testing as a part of that audit process? A. I don't know the details of that, but I would expect that samples will be taken.
14 15 16 17 18	Houston, we receive it into the plant. We quarantine it. As it's being received, we build a large composite representative sample of it. We batch it through the plant, making various finished-product typical samples from it. Those	15 16 17 18	occasions, are samples taken for testing as a part of that audit process? A. I don't know the details of that, but I would expect that samples will be taken. Q. You don't know that?
14 15 16 17	Houston, we receive it into the plant. We quarantine it. As it's being received, we build a large composite representative sample of it. We batch it through the plant, making various finished-product typical samples from it. Those aren't finished goods that are sold to customers.	15 16 17 18 19	occasions, are samples taken for testing as a part of that audit process? A. I don't know the details of that, but I would expect that samples will be taken. Q. You don't know that? A. I don't know that for certain.
14 15 16 17 18 19 20	Houston, we receive it into the plant. We quarantine it. As it's being received, we build a large composite representative sample of it. We batch it through the plant, making various finished-product typical samples from it. Those aren't finished goods that are sold to customers. That material is still quarantined.	15 16 17 18 19 20	occasions, are samples taken for testing as a part of that audit process? A. I don't know the details of that, but I would expect that samples will be taken. Q. You don't know that? A. I don't know that for certain. Q. And during audits, are Imerys
14 15 16 17 18 19 20 21	Houston, we receive it into the plant. We quarantine it. As it's being received, we build a large composite representative sample of it. We batch it through the plant, making various finished-product typical samples from it. Those aren't finished goods that are sold to customers. That material is still quarantined. We send those samples to Denver or our San	15 16 17 18 19 20 21	occasions, are samples taken for testing as a part of that audit process? A. I don't know the details of that, but I would expect that samples will be taken. Q. You don't know that? A. I don't know that for certain. Q. And during audits, are Imerys personnel let me ask it this way: During do
14 15 16 17 18 19 20 21 22	Houston, we receive it into the plant. We quarantine it. As it's being received, we build a large composite representative sample of it. We batch it through the plant, making various finished-product typical samples from it. Those aren't finished goods that are sold to customers. That material is still quarantined. We send those samples to Denver or our San Jose lab. And Julie Pier or her team does the	15 16 17 18 19 20 21 22	occasions, are samples taken for testing as a part of that audit process? A. I don't know the details of that, but I would expect that samples will be taken. Q. You don't know that? A. I don't know that for certain. Q. And during audits, are Imerys personnel let me ask it this way: During do Imerys employees have access to all areas of the
14 15 16 17 18 19 20 21 22 23	Houston, we receive it into the plant. We quarantine it. As it's being received, we build a large composite representative sample of it. We batch it through the plant, making various finished-product typical samples from it. Those aren't finished goods that are sold to customers. That material is still quarantined. We send those samples to Denver or our San Jose lab. And Julie Pier or her team does the analyses on those for us. So we confirm with our	15 16 17 18 19 20 21 22 23	occasions, are samples taken for testing as a part of that audit process? A. I don't know the details of that, but I would expect that samples will be taken. Q. You don't know that? A. I don't know that for certain. Q. And during audits, are Imerys personnel let me ask it this way: During do Imerys employees have access to all areas of the Zhizhua mine that are used to source talc that is
14 15 16 17 18 19 20 21	Houston, we receive it into the plant. We quarantine it. As it's being received, we build a large composite representative sample of it. We batch it through the plant, making various finished-product typical samples from it. Those aren't finished goods that are sold to customers. That material is still quarantined. We send those samples to Denver or our San Jose lab. And Julie Pier or her team does the	15 16 17 18 19 20 21 22	occasions, are samples taken for testing as a part of that audit process? A. I don't know the details of that, but I would expect that samples will be taken. Q. You don't know that? A. I don't know that for certain. Q. And during audits, are Imerys personnel let me ask it this way: During do Imerys employees have access to all areas of the

31 (Pages 376 to 379)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 33 of 68 PageID: 51724

Patrick Downey

	Page 380		Page 382
1	A. Based on my notes and the conversation	1	that? Do you see that?
2	with Mr. Bergstrom, the area of the mine from which	2	A. Yes.
3	Guangxi number 2 material is mined, I would expect	3	Q. And this is a chain of custody a
4	that he would have access to that area of the mine.	4	slide about chain of custody. And, in part, it's
5	Q. (By Ms. O'Dell) But you don't know that	5	called "Mine-to-Market Chain of Custody."
6	for certain, true?	6	And that's referring to the talc being mined
7	A. I didn't ask him that.	7	at the Zhizhua mine, through each step of the
8	Q. Let me ask you to look at what I'm going	8	process, through Houston, correct?
9	to mark as Exhibit 44.	9	A. Generally speaking. It's a probably
10	(Exhibit 44 was marked for identification.)	10	a high-level overview. The other flowchart had
11	MS. O'DELL: It's IMERYS 286003.	11	many more steps in here.
12	Q. (By Ms. O'Dell) Have you seen this	12	Q. Right. Let me it says, "Gather
13	flowchart before?	13	samples for testing in" is that Toulouse?
14	A. I've seen something similar, but the	14	A. Which box?
15	top-right section, I haven't seen one with that	15	Q. First box on the top.
16	type of information on it.	16	A. Oh, okay. I'm sorry. Yes.
17	Q. Are you talking about the box	17	Q. What's that referring to when it says
18	A. Yes.	18	"Gathering samples for testing in Toulouse"?
19	Q where it says, "Title"?	19	A. Toulouse, France.
20	A. Yeah.	20	Q. And what's in Toulouse, France, to your
21	Q. And this is dated October 23rd, 2002?	21	knowledge?
22	A. Yes.	22	A. We have a laboratory, or Imerys an
23	Q. And it's prepared by Michael Clark.	23	Imerys entity has a laboratory there.
24	Do you know who Mr. Clark is?	24	Q. You said "we," but it's Imerys Talc
25	A. He was a quality manager at the Houston	25	Europe, correct?
			<u>-</u>
	Page 381		Page 383
1		1	
1 2	plant.	1 2	A. Yes. Imerys Talc Europe.
	plant. Q. Is this a flowchart of the process for		
2	plant. Q. Is this a flowchart of the process for the manufacture of at least Imerys' portion of the	2	A. Yes. Imerys Talc Europe.Q. What testing is performed in Toulouse?A. I don't recall.
2 3	plant. Q. Is this a flowchart of the process for the manufacture of at least Imerys' portion of the manufacturing of Johnson & Johnson's talcum-powder	2	A. Yes. Imerys Talc Europe.Q. What testing is performed in Toulouse?A. I don't recall.Q. Turn the page, sir. You'll see it
2 3 4	plant. Q. Is this a flowchart of the process for the manufacture of at least Imerys' portion of the manufacturing of Johnson & Johnson's talcum-powder products from the mine through the transportation	2 3 4 5	 A. Yes. Imerys Talc Europe. Q. What testing is performed in Toulouse? A. I don't recall. Q. Turn the page, sir. You'll see it says a slide entitled "Guilin Guiguang Talc
2 3 4 5	plant. Q. Is this a flowchart of the process for the manufacture of at least Imerys' portion of the manufacturing of Johnson & Johnson's talcum-powder products from the mine through the transportation process to America and then through a manufacturing	2 3 4	 A. Yes. Imerys Talc Europe. Q. What testing is performed in Toulouse? A. I don't recall. Q. Turn the page, sir. You'll see it says a slide entitled "Guilin Guiguang Talc Development Company." You talked about them.
2 3 4 5 6	plant. Q. Is this a flowchart of the process for the manufacture of at least Imerys' portion of the manufacturing of Johnson & Johnson's talcum-powder products from the mine through the transportation process to America and then through a manufacturing or processing process at the Houston facility?	2 3 4 5 6	 A. Yes. Imerys Talc Europe. Q. What testing is performed in Toulouse? A. I don't recall. Q. Turn the page, sir. You'll see it says a slide entitled "Guilin Guiguang Talc
2 3 4 5 6 7	plant. Q. Is this a flowchart of the process for the manufacture of at least Imerys' portion of the manufacturing of Johnson & Johnson's talcum-powder products from the mine through the transportation process to America and then through a manufacturing	2 3 4 5 6 7	 A. Yes. Imerys Talc Europe. Q. What testing is performed in Toulouse? A. I don't recall. Q. Turn the page, sir. You'll see it says a slide entitled "Guilin Guiguang Talc Development Company." You talked about them. They're the mining company, right? A. Yes.
2 3 4 5 6 7 8	plant. Q. Is this a flowchart of the process for the manufacture of at least Imerys' portion of the manufacturing of Johnson & Johnson's talcum-powder products from the mine through the transportation process to America and then through a manufacturing or processing process at the Houston facility? A. I haven't had a chance to really examine it in detail, but generally, it seems to cover the	2 3 4 5 6 7 8	 A. Yes. Imerys Talc Europe. Q. What testing is performed in Toulouse? A. I don't recall. Q. Turn the page, sir. You'll see it says a slide entitled "Guilin Guiguang Talc Development Company." You talked about them. They're the mining company, right? A. Yes. Q. And it has a copy of a certification.
2 3 4 5 6 7 8 9	plant. Q. Is this a flowchart of the process for the manufacture of at least Imerys' portion of the manufacturing of Johnson & Johnson's talcum-powder products from the mine through the transportation process to America and then through a manufacturing or processing process at the Houston facility? A. I haven't had a chance to really examine it in detail, but generally, it seems to cover the ore from when it's mined and graded to its receipt	2 3 4 5 6 7 8 9	A. Yes. Imerys Talc Europe. Q. What testing is performed in Toulouse? A. I don't recall. Q. Turn the page, sir. You'll see it says a slide entitled "Guilin Guiguang Talc Development Company." You talked about them. They're the mining company, right? A. Yes. Q. And it has a copy of a certification. It says, "hereby certify that the talc lumps
2 3 4 5 6 7 8 9	plant. Q. Is this a flowchart of the process for the manufacture of at least Imerys' portion of the manufacturing of Johnson & Johnson's talcum-powder products from the mine through the transportation process to America and then through a manufacturing or processing process at the Houston facility? A. I haven't had a chance to really examine it in detail, but generally, it seems to cover the	2 3 4 5 6 7 8 9	A. Yes. Imerys Talc Europe. Q. What testing is performed in Toulouse? A. I don't recall. Q. Turn the page, sir. You'll see it says a slide entitled "Guilin Guiguang Talc Development Company." You talked about them. They're the mining company, right? A. Yes. Q. And it has a copy of a certification. It says, "hereby certify that the talc lumps produced from our mines and sold under our name
2 3 4 5 6 7 8 9 10	plant. Q. Is this a flowchart of the process for the manufacture of at least Imerys' portion of the manufacturing of Johnson & Johnson's talcum-powder products from the mine through the transportation process to America and then through a manufacturing or processing process at the Houston facility? A. I haven't had a chance to really examine it in detail, but generally, it seems to cover the ore from when it's mined and graded to its receipt and as it's processed and through filling of a rail	2 3 4 5 6 7 8 9 10	A. Yes. Imerys Talc Europe. Q. What testing is performed in Toulouse? A. I don't recall. Q. Turn the page, sir. You'll see it says a slide entitled "Guilin Guiguang Talc Development Company." You talked about them. They're the mining company, right? A. Yes. Q. And it has a copy of a certification. It says, "hereby certify that the talc lumps
2 3 4 5 6 7 8 9 10 11	plant. Q. Is this a flowchart of the process for the manufacture of at least Imerys' portion of the manufacturing of Johnson & Johnson's talcum-powder products from the mine through the transportation process to America and then through a manufacturing or processing process at the Houston facility? A. I haven't had a chance to really examine it in detail, but generally, it seems to cover the ore from when it's mined and graded to its receipt and as it's processed and through filling of a rail car.	2 3 4 5 6 7 8 9 10 11	A. Yes. Imerys Talc Europe. Q. What testing is performed in Toulouse? A. I don't recall. Q. Turn the page, sir. You'll see it says a slide entitled "Guilin Guiguang Talc Development Company." You talked about them. They're the mining company, right? A. Yes. Q. And it has a copy of a certification. It says, "hereby certify that the talc lumps produced from our mines and sold under our name brand is FREE of asbestos. Our production is checked on a regular basis and tested every quarter
2 3 4 5 6 7 8 9 10 11 12 13	plant. Q. Is this a flowchart of the process for the manufacture of at least Imerys' portion of the manufacturing of Johnson & Johnson's talcum-powder products from the mine through the transportation process to America and then through a manufacturing or processing process at the Houston facility? A. I haven't had a chance to really examine it in detail, but generally, it seems to cover the ore from when it's mined and graded to its receipt and as it's processed and through filling of a rail car. Q. Let me since you're not familiar with	2 3 4 5 6 7 8 9 10 11 12	A. Yes. Imerys Talc Europe. Q. What testing is performed in Toulouse? A. I don't recall. Q. Turn the page, sir. You'll see it says a slide entitled "Guilin Guiguang Talc Development Company." You talked about them. They're the mining company, right? A. Yes. Q. And it has a copy of a certification. It says, "hereby certify that the talc lumps produced from our mines and sold under our name brand is FREE of asbestos. Our production is
2 3 4 5 6 7 8 9 10 11 12 13	plant. Q. Is this a flowchart of the process for the manufacture of at least Imerys' portion of the manufacturing of Johnson & Johnson's talcum-powder products from the mine through the transportation process to America and then through a manufacturing or processing process at the Houston facility? A. I haven't had a chance to really examine it in detail, but generally, it seems to cover the ore from when it's mined and graded to its receipt and as it's processed and through filling of a rail car. Q. Let me since you're not familiar with that document, let me see if you're familiar with	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yes. Imerys Talc Europe. Q. What testing is performed in Toulouse? A. I don't recall. Q. Turn the page, sir. You'll see it says a slide entitled "Guilin Guiguang Talc Development Company." You talked about them. They're the mining company, right? A. Yes. Q. And it has a copy of a certification. It says, "hereby certify that the talc lumps produced from our mines and sold under our name brand is FREE of asbestos. Our production is checked on a regular basis and tested every quarter by the independent lab of Guangxi Shy University
2 3 4 5 6 7 8 9 10 11 12 13 14 15	plant. Q. Is this a flowchart of the process for the manufacture of at least Imerys' portion of the manufacturing of Johnson & Johnson's talcum-powder products from the mine through the transportation process to America and then through a manufacturing or processing process at the Houston facility? A. I haven't had a chance to really examine it in detail, but generally, it seems to cover the ore from when it's mined and graded to its receipt and as it's processed and through filling of a rail car. Q. Let me since you're not familiar with that document, let me see if you're familiar with Exhibit 45.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Yes. Imerys Talc Europe. Q. What testing is performed in Toulouse? A. I don't recall. Q. Turn the page, sir. You'll see it says a slide entitled "Guilin Guiguang Talc Development Company." You talked about them. They're the mining company, right? A. Yes. Q. And it has a copy of a certification. It says, "hereby certify that the talc lumps produced from our mines and sold under our name brand is FREE of asbestos. Our production is checked on a regular basis and tested every quarter by the independent lab of Guangxi Shy University for asbestos and fibers in compliance with
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	plant. Q. Is this a flowchart of the process for the manufacture of at least Imerys' portion of the manufacturing of Johnson & Johnson's talcum-powder products from the mine through the transportation process to America and then through a manufacturing or processing process at the Houston facility? A. I haven't had a chance to really examine it in detail, but generally, it seems to cover the ore from when it's mined and graded to its receipt and as it's processed and through filling of a rail car. Q. Let me since you're not familiar with that document, let me see if you're familiar with Exhibit 45. (Exhibit 45 was marked for identification.)	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. Imerys Talc Europe. Q. What testing is performed in Toulouse? A. I don't recall. Q. Turn the page, sir. You'll see it says a slide entitled "Guilin Guiguang Talc Development Company." You talked about them. They're the mining company, right? A. Yes. Q. And it has a copy of a certification. It says, "hereby certify that the talc lumps produced from our mines and sold under our name brand is FREE of asbestos. Our production is checked on a regular basis and tested every quarter by the independent lab of Guangxi Shy University for asbestos and fibers in compliance with international regulations."
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	plant. Q. Is this a flowchart of the process for the manufacture of at least Imerys' portion of the manufacturing of Johnson & Johnson's talcum-powder products from the mine through the transportation process to America and then through a manufacturing or processing process at the Houston facility? A. I haven't had a chance to really examine it in detail, but generally, it seems to cover the ore from when it's mined and graded to its receipt and as it's processed and through filling of a rail car. Q. Let me since you're not familiar with that document, let me see if you're familiar with Exhibit 45. (Exhibit 45 was marked for identification.) MS. O'DELL: And it's IMERYS 2505958.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Yes. Imerys Talc Europe. Q. What testing is performed in Toulouse? A. I don't recall. Q. Turn the page, sir. You'll see it says a slide entitled "Guilin Guiguang Talc Development Company." You talked about them. They're the mining company, right? A. Yes. Q. And it has a copy of a certification. It says, "hereby certify that the talc lumps produced from our mines and sold under our name brand is FREE of asbestos. Our production is checked on a regular basis and tested every quarter by the independent lab of Guangxi Shy University for asbestos and fibers in compliance with international regulations." What type of testing is done at the Guangxi
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	plant. Q. Is this a flowchart of the process for the manufacture of at least Imerys' portion of the manufacturing of Johnson & Johnson's talcum-powder products from the mine through the transportation process to America and then through a manufacturing or processing process at the Houston facility? A. I haven't had a chance to really examine it in detail, but generally, it seems to cover the ore from when it's mined and graded to its receipt and as it's processed and through filling of a rail car. Q. Let me since you're not familiar with that document, let me see if you're familiar with Exhibit 45. (Exhibit 45 was marked for identification.) MS. O'DELL: And it's IMERYS 2505958. Q. (By Ms. O'Dell) This is a copy of a PowerPoint presentation, Rio Tinto Minerals, Luzenac, in Houston, operation, "Welcome	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Imerys Talc Europe. Q. What testing is performed in Toulouse? A. I don't recall. Q. Turn the page, sir. You'll see it says a slide entitled "Guilin Guiguang Talc Development Company." You talked about them. They're the mining company, right? A. Yes. Q. And it has a copy of a certification. It says, "hereby certify that the talc lumps produced from our mines and sold under our name brand is FREE of asbestos. Our production is checked on a regular basis and tested every quarter by the independent lab of Guangxi Shy University for asbestos and fibers in compliance with international regulations." What type of testing is done at the Guangxi University lab, if you know?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	plant. Q. Is this a flowchart of the process for the manufacture of at least Imerys' portion of the manufacturing of Johnson & Johnson's talcum-powder products from the mine through the transportation process to America and then through a manufacturing or processing process at the Houston facility? A. I haven't had a chance to really examine it in detail, but generally, it seems to cover the ore from when it's mined and graded to its receipt and as it's processed and through filling of a rail car. Q. Let me since you're not familiar with that document, let me see if you're familiar with Exhibit 45. (Exhibit 45 was marked for identification.) MS. O'DELL: And it's IMERYS 2505958. Q. (By Ms. O'Dell) This is a copy of a PowerPoint presentation, Rio Tinto Minerals,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Imerys Talc Europe. Q. What testing is performed in Toulouse? A. I don't recall. Q. Turn the page, sir. You'll see it says a slide entitled "Guilin Guiguang Talc Development Company." You talked about them. They're the mining company, right? A. Yes. Q. And it has a copy of a certification. It says, "hereby certify that the talc lumps produced from our mines and sold under our name brand is FREE of asbestos. Our production is checked on a regular basis and tested every quarter by the independent lab of Guangxi Shy University for asbestos and fibers in compliance with international regulations." What type of testing is done at the Guangxi University lab, if you know? A. I'm not sure. I think that it might be
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	plant. Q. Is this a flowchart of the process for the manufacture of at least Imerys' portion of the manufacturing of Johnson & Johnson's talcum-powder products from the mine through the transportation process to America and then through a manufacturing or processing process at the Houston facility? A. I haven't had a chance to really examine it in detail, but generally, it seems to cover the ore from when it's mined and graded to its receipt and as it's processed and through filling of a rail car. Q. Let me since you're not familiar with that document, let me see if you're familiar with Exhibit 45. (Exhibit 45 was marked for identification.) MS. O'DELL: And it's IMERYS 2505958. Q. (By Ms. O'Dell) This is a copy of a PowerPoint presentation, Rio Tinto Minerals, Luzenac, in Houston, operation, "Welcome	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Imerys Talc Europe. Q. What testing is performed in Toulouse? A. I don't recall. Q. Turn the page, sir. You'll see it says a slide entitled "Guilin Guiguang Talc Development Company." You talked about them. They're the mining company, right? A. Yes. Q. And it has a copy of a certification. It says, "hereby certify that the talc lumps produced from our mines and sold under our name brand is FREE of asbestos. Our production is checked on a regular basis and tested every quarter by the independent lab of Guangxi Shy University for asbestos and fibers in compliance with international regulations." What type of testing is done at the Guangxi University lab, if you know? A. I'm not sure. I think that it might be on the certificate that's been produced. Q. What A. I thought I saw an exemplar here.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	plant. Q. Is this a flowchart of the process for the manufacture of at least Imerys' portion of the manufacturing of Johnson & Johnson's talcum-powder products from the mine through the transportation process to America and then through a manufacturing or processing process at the Houston facility? A. I haven't had a chance to really examine it in detail, but generally, it seems to cover the ore from when it's mined and graded to its receipt and as it's processed and through filling of a rail car. Q. Let me since you're not familiar with that document, let me see if you're familiar with Exhibit 45. (Exhibit 45 was marked for identification.) MS. O'DELL: And it's IMERYS 2505958. Q. (By Ms. O'Dell) This is a copy of a PowerPoint presentation, Rio Tinto Minerals, Luzenac, in Houston, operation, "Welcome Johnson & Johnson," June 2005. Have you seen this document before? A. No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yes. Imerys Talc Europe. Q. What testing is performed in Toulouse? A. I don't recall. Q. Turn the page, sir. You'll see it says a slide entitled "Guilin Guiguang Talc Development Company." You talked about them. They're the mining company, right? A. Yes. Q. And it has a copy of a certification. It says, "hereby certify that the talc lumps produced from our mines and sold under our name brand is FREE of asbestos. Our production is checked on a regular basis and tested every quarter by the independent lab of Guangxi Shy University for asbestos and fibers in compliance with international regulations." What type of testing is done at the Guangxi University lab, if you know? A. I'm not sure. I think that it might be on the certificate that's been produced. Q. What A. I thought I saw an exemplar here. Q. Okay. I think you may be talking about
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	plant. Q. Is this a flowchart of the process for the manufacture of at least Imerys' portion of the manufacturing of Johnson & Johnson's talcum-powder products from the mine through the transportation process to America and then through a manufacturing or processing process at the Houston facility? A. I haven't had a chance to really examine it in detail, but generally, it seems to cover the ore from when it's mined and graded to its receipt and as it's processed and through filling of a rail car. Q. Let me since you're not familiar with that document, let me see if you're familiar with Exhibit 45. (Exhibit 45 was marked for identification.) MS. O'DELL: And it's IMERYS 2505958. Q. (By Ms. O'Dell) This is a copy of a PowerPoint presentation, Rio Tinto Minerals, Luzenac, in Houston, operation, "Welcome Johnson & Johnson," June 2005. Have you seen this document before?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Imerys Talc Europe. Q. What testing is performed in Toulouse? A. I don't recall. Q. Turn the page, sir. You'll see it says a slide entitled "Guilin Guiguang Talc Development Company." You talked about them. They're the mining company, right? A. Yes. Q. And it has a copy of a certification. It says, "hereby certify that the talc lumps produced from our mines and sold under our name brand is FREE of asbestos. Our production is checked on a regular basis and tested every quarter by the independent lab of Guangxi Shy University for asbestos and fibers in compliance with international regulations." What type of testing is done at the Guangxi University lab, if you know? A. I'm not sure. I think that it might be on the certificate that's been produced. Q. What A. I thought I saw an exemplar here.

32 (Pages 380 to 383)

	Page 384		Page 386
1	of Quality"?	1	Q. And question 1 says, "What specific
2	A. Yes.	2	address and identification of the source of the
3	O. Do you see that?	3	talc mine?" And you and I have talked about it a
4	A. Mm-hmm.	4	little bit, but it says the Guiguang Mine, Shaman
5	Q. This certificate does not have any	5	Municipality, Long Sheng County, Guangxi Province,
6	results for asbestos testing, correct?	6	People's Republic of China.
7	A. This particular one, I don't see it. I	7	Is the Guiguang Mine is that another
8	have seen examples that do. It's my understanding	8	reference to the Zhizhua mine but just using
9	they've been produced.	9	another name?
10	Q. Let me ask you to turn over to a slide	10	MR. PROST: Object to form.
11	entitled "Imported Crude Ores Specifications."	11	Q. (By Ms. O'Dell) Or do you know?
12	And this is a specification of the crude ore	12	A. I can't tell from this whether there
13	for, you know, purposes of supplying talc to	13	it may have used the Guiguang Talc Development
14	Johnson & Johnson; do you see that?	14	Company as the name of the mine accidentally.
15	A. I don't see Johnson & Johnson's name on	15	Q. All right. Turn over to page 7 I
16	here.	16	mean, excuse me, page 2, and you'll see question 7:
17	Q. And I assume that because this	17	"Does the supplier," meaning Rio Tinto Luzenac,
18	presentation is to Johnson & Johnson, so it doesn't	18	"have a SOP," standard operating procedure,
19	have Johnson & Johnson on that slide, but certainly	19	"outlining their requirements for mine
20	this is a presentation that was given by Rio Tinto	20	qualification?"
21		21	And the answer over here is, "Yes we have
22	Minerals or Luzenac employees to some personnel from Johnson & Johnson.	22	
23		23	internal written procedures," and it has a document
	And it says do you see the	23	listed, "Mine Qualification SOP."
24	specifications, the lump size? That's referring to	25	In your preparation for your deposition, had
25	the sizes size of the talc rocks, correct?	25	you seen a copy of mine qualification standard
	Page 385		Page 387
1	A. Yes.	1	operating procedure?
2	Q. And it says specifications are between	2	
		2	A. Not that I recall.
3	30 and 500 millimeters; is that correct?	3	Q. Were you aware, until I asked you the
4	30 and 500 millimeters; is that correct? A. Yes.	3 4	Q. Were you aware, until I asked you the question, that there was such a thing as a mine
4 5	30 and 500 millimeters; is that correct? A. Yes. Q. And I've written it on here because I'm	3 4 5	Q. Were you aware, until I asked you the question, that there was such a thing as a mine qualification standard operating procedure?
4 5 6	30 and 500 millimeters; is that correct? A. Yes. Q. And I've written it on here because I'm not very good with metrics, but that's 1.2 inches	3 4 5 6	Q. Were you aware, until I asked you the question, that there was such a thing as a mine qualification standard operating procedure? A. I'm sorry. I was reading it.
4 5 6 7	30 and 500 millimeters; is that correct? A. Yes. Q. And I've written it on here because I'm not very good with metrics, but that's 1.2 inches to 1.64 feet.	3 4 5 6 7	Q. Were you aware, until I asked you the question, that there was such a thing as a mine qualification standard operating procedure? A. I'm sorry. I was reading it. Q. Before I ask you a question, let me just
4 5 6 7 8	30 and 500 millimeters; is that correct? A. Yes. Q. And I've written it on here because I'm not very good with metrics, but that's 1.2 inches to 1.64 feet. A. That sounds about right.	3 4 5 6 7 8	Q. Were you aware, until I asked you the question, that there was such a thing as a mine qualification standard operating procedure? A. I'm sorry. I was reading it. Q. Before I ask you a question, let me just strike that and start again.
4 5 6 7 8 9	30 and 500 millimeters; is that correct? A. Yes. Q. And I've written it on here because I'm not very good with metrics, but that's 1.2 inches to 1.64 feet. A. That sounds about right. Q. Let me ask you now to take a look at	3 4 5 6 7 8 9	Q. Were you aware, until I asked you the question, that there was such a thing as a mine qualification standard operating procedure? A. I'm sorry. I was reading it. Q. Before I ask you a question, let me just strike that and start again. Were you aware that there was such a thing
4 5 6 7 8 9	30 and 500 millimeters; is that correct? A. Yes. Q. And I've written it on here because I'm not very good with metrics, but that's 1.2 inches to 1.64 feet. A. That sounds about right. Q. Let me ask you now to take a look at Exhibit 46. It is IMERYS 244919.	3 4 5 6 7 8 9	Q. Were you aware, until I asked you the question, that there was such a thing as a mine qualification standard operating procedure? A. I'm sorry. I was reading it. Q. Before I ask you a question, let me just strike that and start again. Were you aware that there was such a thing as a mine qualification SOP?
4 5 6 7 8 9 10	30 and 500 millimeters; is that correct? A. Yes. Q. And I've written it on here because I'm not very good with metrics, but that's 1.2 inches to 1.64 feet. A. That sounds about right. Q. Let me ask you now to take a look at Exhibit 46. It is IMERYS 244919. (Exhibit 46 was marked for identification.)	3 4 5 6 7 8 9 10	Q. Were you aware, until I asked you the question, that there was such a thing as a mine qualification standard operating procedure? A. I'm sorry. I was reading it. Q. Before I ask you a question, let me just strike that and start again. Were you aware that there was such a thing as a mine qualification SOP? A. A written SOP? I've seen other things,
4 5 6 7 8 9 10 11	30 and 500 millimeters; is that correct? A. Yes. Q. And I've written it on here because I'm not very good with metrics, but that's 1.2 inches to 1.64 feet. A. That sounds about right. Q. Let me ask you now to take a look at Exhibit 46. It is IMERYS 244919. (Exhibit 46 was marked for identification.) Q. (By Ms. O'Dell) Have you seen this	3 4 5 6 7 8 9 10 11	Q. Were you aware, until I asked you the question, that there was such a thing as a mine qualification standard operating procedure? A. I'm sorry. I was reading it. Q. Before I ask you a question, let me just strike that and start again. Were you aware that there was such a thing as a mine qualification SOP? A. A written SOP? I've seen other things, but not "SOP" attached to it.
4 5 6 7 8 9 10 11 12 13	A. Yes. Q. And I've written it on here because I'm not very good with metrics, but that's 1.2 inches to 1.64 feet. A. That sounds about right. Q. Let me ask you now to take a look at Exhibit 46. It is IMERYS 244919. (Exhibit 46 was marked for identification.) Q. (By Ms. O'Dell) Have you seen this document before, Mr. Downey?	3 4 5 6 7 8 9 10 11 12	Q. Were you aware, until I asked you the question, that there was such a thing as a mine qualification standard operating procedure? A. I'm sorry. I was reading it. Q. Before I ask you a question, let me just strike that and start again. Were you aware that there was such a thing as a mine qualification SOP? A. A written SOP? I've seen other things, but not "SOP" attached to it. Q. If you'll turn over to page 3,
4 5 6 7 8 9 10 11 12 13 14	A. Yes. Q. And I've written it on here because I'm not very good with metrics, but that's 1.2 inches to 1.64 feet. A. That sounds about right. Q. Let me ask you now to take a look at Exhibit 46. It is IMERYS 244919. (Exhibit 46 was marked for identification.) Q. (By Ms. O'Dell) Have you seen this document before, Mr. Downey? A. (Document reviewed.) Parts of it look	3 4 5 6 7 8 9 10 11 12 13 14	Q. Were you aware, until I asked you the question, that there was such a thing as a mine qualification standard operating procedure? A. I'm sorry. I was reading it. Q. Before I ask you a question, let me just strike that and start again. Were you aware that there was such a thing as a mine qualification SOP? A. A written SOP? I've seen other things, but not "SOP" attached to it. Q. If you'll turn over to page 3, question 13 says, "Describe the overall ongoing
4 5 6 7 8 9 10 11 12 13 14 15	A. Yes. Q. And I've written it on here because I'm not very good with metrics, but that's 1.2 inches to 1.64 feet. A. That sounds about right. Q. Let me ask you now to take a look at Exhibit 46. It is IMERYS 244919. (Exhibit 46 was marked for identification.) Q. (By Ms. O'Dell) Have you seen this document before, Mr. Downey? A. (Document reviewed.) Parts of it look familiar. I don't know if I've seen this version,	3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Were you aware, until I asked you the question, that there was such a thing as a mine qualification standard operating procedure? A. I'm sorry. I was reading it. Q. Before I ask you a question, let me just strike that and start again. Were you aware that there was such a thing as a mine qualification SOP? A. A written SOP? I've seen other things, but not "SOP" attached to it. Q. If you'll turn over to page 3, question 13 says, "Describe the overall ongoing program for Mine oversight"; do you see that?
4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. Q. And I've written it on here because I'm not very good with metrics, but that's 1.2 inches to 1.64 feet. A. That sounds about right. Q. Let me ask you now to take a look at Exhibit 46. It is IMERYS 244919. (Exhibit 46 was marked for identification.) Q. (By Ms. O'Dell) Have you seen this document before, Mr. Downey? A. (Document reviewed.) Parts of it look familiar. I don't know if I've seen this version, but I think I've seen something similar.	3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Were you aware, until I asked you the question, that there was such a thing as a mine qualification standard operating procedure? A. I'm sorry. I was reading it. Q. Before I ask you a question, let me just strike that and start again. Were you aware that there was such a thing as a mine qualification SOP? A. A written SOP? I've seen other things, but not "SOP" attached to it. Q. If you'll turn over to page 3, question 13 says, "Describe the overall ongoing program for Mine oversight"; do you see that? A. Yes.
4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Yes. Q. And I've written it on here because I'm not very good with metrics, but that's 1.2 inches to 1.64 feet. A. That sounds about right. Q. Let me ask you now to take a look at Exhibit 46. It is IMERYS 244919. (Exhibit 46 was marked for identification.) Q. (By Ms. O'Dell) Have you seen this document before, Mr. Downey? A. (Document reviewed.) Parts of it look familiar. I don't know if I've seen this version, but I think I've seen something similar. Q. This is a document entitled a "J&J/WW	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Were you aware, until I asked you the question, that there was such a thing as a mine qualification standard operating procedure? A. I'm sorry. I was reading it. Q. Before I ask you a question, let me just strike that and start again. Were you aware that there was such a thing as a mine qualification SOP? A. A written SOP? I've seen other things, but not "SOP" attached to it. Q. If you'll turn over to page 3, question 13 says, "Describe the overall ongoing program for Mine oversight"; do you see that? A. Yes. Q. And it says, "The oversight is based on
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. And I've written it on here because I'm not very good with metrics, but that's 1.2 inches to 1.64 feet. A. That sounds about right. Q. Let me ask you now to take a look at Exhibit 46. It is IMERYS 244919. (Exhibit 46 was marked for identification.) Q. (By Ms. O'Dell) Have you seen this document before, Mr. Downey? A. (Document reviewed.) Parts of it look familiar. I don't know if I've seen this version, but I think I've seen something similar. Q. This is a document entitled a "J&J/WW Talc Supplier Assessment Questionnaire."	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Were you aware, until I asked you the question, that there was such a thing as a mine qualification standard operating procedure? A. I'm sorry. I was reading it. Q. Before I ask you a question, let me just strike that and start again. Were you aware that there was such a thing as a mine qualification SOP? A. A written SOP? I've seen other things, but not "SOP" attached to it. Q. If you'll turn over to page 3, question 13 says, "Describe the overall ongoing program for Mine oversight"; do you see that? A. Yes. Q. And it says, "The oversight is based on regular mine visits (3 to 4 per year) including
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Yes. Q. And I've written it on here because I'm not very good with metrics, but that's 1.2 inches to 1.64 feet. A. That sounds about right. Q. Let me ask you now to take a look at Exhibit 46. It is IMERYS 244919. (Exhibit 46 was marked for identification.) Q. (By Ms. O'Dell) Have you seen this document before, Mr. Downey? A. (Document reviewed.) Parts of it look familiar. I don't know if I've seen this version, but I think I've seen something similar. Q. This is a document entitled a "J&J/WW Talc Supplier Assessment Questionnaire." And at the bottom it says it's June 23rd,	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Were you aware, until I asked you the question, that there was such a thing as a mine qualification standard operating procedure? A. I'm sorry. I was reading it. Q. Before I ask you a question, let me just strike that and start again. Were you aware that there was such a thing as a mine qualification SOP? A. A written SOP? I've seen other things, but not "SOP" attached to it. Q. If you'll turn over to page 3, question 13 says, "Describe the overall ongoing program for Mine oversight"; do you see that? A. Yes. Q. And it says, "The oversight is based on regular mine visits (3 to 4 per year) including audits (safety, environment, quality) and
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. And I've written it on here because I'm not very good with metrics, but that's 1.2 inches to 1.64 feet. A. That sounds about right. Q. Let me ask you now to take a look at Exhibit 46. It is IMERYS 244919. (Exhibit 46 was marked for identification.) Q. (By Ms. O'Dell) Have you seen this document before, Mr. Downey? A. (Document reviewed.) Parts of it look familiar. I don't know if I've seen this version, but I think I've seen something similar. Q. This is a document entitled a "J&J/WW Talc Supplier Assessment Questionnaire."	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Were you aware, until I asked you the question, that there was such a thing as a mine qualification standard operating procedure? A. I'm sorry. I was reading it. Q. Before I ask you a question, let me just strike that and start again. Were you aware that there was such a thing as a mine qualification SOP? A. A written SOP? I've seen other things, but not "SOP" attached to it. Q. If you'll turn over to page 3, question 13 says, "Describe the overall ongoing program for Mine oversight"; do you see that? A. Yes. Q. And it says, "The oversight is based on regular mine visits (3 to 4 per year) including audits (safety, environment, quality) and discussions with the operations management."
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. And I've written it on here because I'm not very good with metrics, but that's 1.2 inches to 1.64 feet. A. That sounds about right. Q. Let me ask you now to take a look at Exhibit 46. It is IMERYS 244919. (Exhibit 46 was marked for identification.) Q. (By Ms. O'Dell) Have you seen this document before, Mr. Downey? A. (Document reviewed.) Parts of it look familiar. I don't know if I've seen this version, but I think I've seen something similar. Q. This is a document entitled a "J&J/WW Talc Supplier Assessment Questionnaire." And at the bottom it says it's June 23rd, 2009; do you see that? A. Yes.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Were you aware, until I asked you the question, that there was such a thing as a mine qualification standard operating procedure? A. I'm sorry. I was reading it. Q. Before I ask you a question, let me just strike that and start again. Were you aware that there was such a thing as a mine qualification SOP? A. A written SOP? I've seen other things, but not "SOP" attached to it. Q. If you'll turn over to page 3, question 13 says, "Describe the overall ongoing program for Mine oversight"; do you see that? A. Yes. Q. And it says, "The oversight is based on regular mine visits (3 to 4 per year) including audits (safety, environment, quality) and discussions with the operations management." This says three to four times per year, but
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. And I've written it on here because I'm not very good with metrics, but that's 1.2 inches to 1.64 feet. A. That sounds about right. Q. Let me ask you now to take a look at Exhibit 46. It is IMERYS 244919. (Exhibit 46 was marked for identification.) Q. (By Ms. O'Dell) Have you seen this document before, Mr. Downey? A. (Document reviewed.) Parts of it look familiar. I don't know if I've seen this version, but I think I've seen something similar. Q. This is a document entitled a "J&J/WW Talc Supplier Assessment Questionnaire." And at the bottom it says it's June 23rd, 2009; do you see that? A. Yes. Q. And this is a talc-supplier	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Were you aware, until I asked you the question, that there was such a thing as a mine qualification standard operating procedure? A. I'm sorry. I was reading it. Q. Before I ask you a question, let me just strike that and start again. Were you aware that there was such a thing as a mine qualification SOP? A. A written SOP? I've seen other things, but not "SOP" attached to it. Q. If you'll turn over to page 3, question 13 says, "Describe the overall ongoing program for Mine oversight"; do you see that? A. Yes. Q. And it says, "The oversight is based on regular mine visits (3 to 4 per year) including audits (safety, environment, quality) and discussions with the operations management."
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. And I've written it on here because I'm not very good with metrics, but that's 1.2 inches to 1.64 feet. A. That sounds about right. Q. Let me ask you now to take a look at Exhibit 46. It is IMERYS 244919. (Exhibit 46 was marked for identification.) Q. (By Ms. O'Dell) Have you seen this document before, Mr. Downey? A. (Document reviewed.) Parts of it look familiar. I don't know if I've seen this version, but I think I've seen something similar. Q. This is a document entitled a "J&J/WW Talc Supplier Assessment Questionnaire." And at the bottom it says it's June 23rd, 2009; do you see that? A. Yes.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Were you aware, until I asked you the question, that there was such a thing as a mine qualification standard operating procedure? A. I'm sorry. I was reading it. Q. Before I ask you a question, let me just strike that and start again. Were you aware that there was such a thing as a mine qualification SOP? A. A written SOP? I've seen other things, but not "SOP" attached to it. Q. If you'll turn over to page 3, question 13 says, "Describe the overall ongoing program for Mine oversight"; do you see that? A. Yes. Q. And it says, "The oversight is based on regular mine visits (3 to 4 per year) including audits (safety, environment, quality) and discussions with the operations management." This says three to four times per year, but
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. And I've written it on here because I'm not very good with metrics, but that's 1.2 inches to 1.64 feet. A. That sounds about right. Q. Let me ask you now to take a look at Exhibit 46. It is IMERYS 244919. (Exhibit 46 was marked for identification.) Q. (By Ms. O'Dell) Have you seen this document before, Mr. Downey? A. (Document reviewed.) Parts of it look familiar. I don't know if I've seen this version, but I think I've seen something similar. Q. This is a document entitled a "J&J/WW Talc Supplier Assessment Questionnaire." And at the bottom it says it's June 23rd, 2009; do you see that? A. Yes. Q. And this is a talc-supplier	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Were you aware, until I asked you the question, that there was such a thing as a mine qualification standard operating procedure? A. I'm sorry. I was reading it. Q. Before I ask you a question, let me just strike that and start again. Were you aware that there was such a thing as a mine qualification SOP? A. A written SOP? I've seen other things, but not "SOP" attached to it. Q. If you'll turn over to page 3, question 13 says, "Describe the overall ongoing program for Mine oversight"; do you see that? A. Yes. Q. And it says, "The oversight is based on regular mine visits (3 to 4 per year) including audits (safety, environment, quality) and discussions with the operations management." This says three to four times per year, but according to Mr. Bergstrom, it's actually two times

33 (Pages 384 to 387)

	Page 388		Page 390
1	A. At this time, that's what he said. This	1	IMERYS 074887.
2	was in 2009.	2	Q. (By Ms. O'Dell) Have you seen this
3	Q. And it says that includes sampling	3	document before?
4	testing of shipments and testing samples on	4	A. I don't believe I have.
5	supplier's request.	5	Q. And this is a PowerPoint entitled the
6	Has the Guilin Guiguang mining company asked	6	"Geology, Mining, Processing and Surface
7	that Imerys test samples?	7	Properties." Should have begun by saying "Talc
8	A. I don't know.	8	Geology, Mining, Processing and Surface Properties"
9	Q. And then it says, (as read:) On a	9	by E.F. McCarthy that'd be Ed McCarthy in
10	regular basis the lots checked excuse me,	10	May of 2014, correct?
11	regular basis, the talc lots prepared for shipment	11	A. Yes.
12	are checked by RTM representative who performs a	12	Q. And in regard to let me see if I can
13	visual inspection, survey loading operation at the	13	get that in focus here. Okay.
14	Chinese port.	14	It's a slide titled "Talc Geology -
15	What's the purpose of that visual	15	Overview." It is about eight pages into the
16	inspection?	16	document.
17	A. It's an inspection regarding it's a	17	Do you see that?
18	visual inspection to make sure that the ore hasn't	18	A. Yes.
19	been contaminated at the port.	19	Q. And this is a talc overview that covers
20	Q. And it refers it a "RTM representative."	20	China; do you see that?
21	Who is that when it says	21	MR. PROST: Object to form.
22	"representative," is that referring to an RTM	22	A. It says "China" there.
23	employee or a Rio Tinto employee?	23	Q. (By Ms. O'Dell) It says, "Occurs as a
24	A. In this document, it referenced either	24	relatively pure mineral and as a mixture with other
25	an employee or a contractor that would survey the	25	minerals," and it lists chlorite, magnesite,
		23	-
	Page 389		Page 391
1	ship and the hold to make sure that everything is	1	tremolite, and quartz are the major accessory
2	clean.		
3		2	minerals; do you see that?
_	Q. What contractor is engaged by RTM Imerys	3	A. Yes.
4	to inspect the ore at the port in China?	3 4	A. Yes. Q. And it goes on to say that China
5	to inspect the ore at the port in China? A. I don't know the name of the contractor	3 4 5	A. Yes. Q. And it goes on to say that China produces almost 40 percent of the world's supply
5 6	to inspect the ore at the port in China? A. I don't know the name of the contractor or the company.	3 4 5 6	A. Yes. Q. And it goes on to say that China produces almost 40 percent of the world's supply and is the world's largest exporter; do you see
5 6 7	to inspect the ore at the port in China? A. I don't know the name of the contractor or the company. Q. Do you know the scope of their work?	3 4 5 6 7	A. Yes. Q. And it goes on to say that China produces almost 40 percent of the world's supply and is the world's largest exporter; do you see that?
5 6 7 8	to inspect the ore at the port in China? A. I don't know the name of the contractor or the company. Q. Do you know the scope of their work? A. Part of the scope is listed here on	3 4 5 6 7 8	A. Yes. Q. And it goes on to say that China produces almost 40 percent of the world's supply and is the world's largest exporter; do you see that? MR. PROST: Object to form.
5 6 7 8 9	to inspect the ore at the port in China? A. I don't know the name of the contractor or the company. Q. Do you know the scope of their work? A. Part of the scope is listed here on 2085958.	3 4 5 6 7 8 9	A. Yes. Q. And it goes on to say that China produces almost 40 percent of the world's supply and is the world's largest exporter; do you see that? MR. PROST: Object to form. A. That's what it says.
5 6 7 8 9	to inspect the ore at the port in China? A. I don't know the name of the contractor or the company. Q. Do you know the scope of their work? A. Part of the scope is listed here on 2085958. Q. But you don't know the entire scope of	3 4 5 6 7 8 9	A. Yes. Q. And it goes on to say that China produces almost 40 percent of the world's supply and is the world's largest exporter; do you see that? MR. PROST: Object to form. A. That's what it says. Q. (By Ms. O'Dell) And do you have any
5 6 7 8 9 10	to inspect the ore at the port in China? A. I don't know the name of the contractor or the company. Q. Do you know the scope of their work? A. Part of the scope is listed here on 2085958.	3 4 5 6 7 8 9 10	A. Yes. Q. And it goes on to say that China produces almost 40 percent of the world's supply and is the world's largest exporter; do you see that? MR. PROST: Object to form. A. That's what it says. Q. (By Ms. O'Dell) And do you have any reason to disagree with that?
5 6 7 8 9 10 11	to inspect the ore at the port in China? A. I don't know the name of the contractor or the company. Q. Do you know the scope of their work? A. Part of the scope is listed here on 2085958. Q. But you don't know the entire scope of their work in relation to the activities at the port?	3 4 5 6 7 8 9 10 11	A. Yes. Q. And it goes on to say that China produces almost 40 percent of the world's supply and is the world's largest exporter; do you see that? MR. PROST: Object to form. A. That's what it says. Q. (By Ms. O'Dell) And do you have any reason to disagree with that? MR. PROST: Objection.
5 6 7 8 9 10 11 12 13	to inspect the ore at the port in China? A. I don't know the name of the contractor or the company. Q. Do you know the scope of their work? A. Part of the scope is listed here on 2085958. Q. But you don't know the entire scope of their work in relation to the activities at the port? A. Generally speaking, I know that they	3 4 5 6 7 8 9 10 11 12	A. Yes. Q. And it goes on to say that China produces almost 40 percent of the world's supply and is the world's largest exporter; do you see that? MR. PROST: Object to form. A. That's what it says. Q. (By Ms. O'Dell) And do you have any reason to disagree with that? MR. PROST: Objection. A. No.
5 6 7 8 9 10 11 12 13 14	A. I don't know the name of the contractor or the company. Q. Do you know the scope of their work? A. Part of the scope is listed here on 2085958. Q. But you don't know the entire scope of their work in relation to the activities at the port? A. Generally speaking, I know that they inspect the ship's hold for cleanliness. They	3 4 5 6 7 8 9 10 11 12 13 14	A. Yes. Q. And it goes on to say that China produces almost 40 percent of the world's supply and is the world's largest exporter; do you see that? MR. PROST: Object to form. A. That's what it says. Q. (By Ms. O'Dell) And do you have any reason to disagree with that? MR. PROST: Objection. A. No. Q. (By Ms. O'Dell) And the next slide says
5 6 7 8 9 10 11 12 13 14	to inspect the ore at the port in China? A. I don't know the name of the contractor or the company. Q. Do you know the scope of their work? A. Part of the scope is listed here on 2085958. Q. But you don't know the entire scope of their work in relation to the activities at the port? A. Generally speaking, I know that they inspect the ship's hold for cleanliness. They inspect the port facilities for storage for	3 4 5 6 7 8 9 10 11 12 13 14 15	A. Yes. Q. And it goes on to say that China produces almost 40 percent of the world's supply and is the world's largest exporter; do you see that? MR. PROST: Object to form. A. That's what it says. Q. (By Ms. O'Dell) And do you have any reason to disagree with that? MR. PROST: Objection. A. No. Q. (By Ms. O'Dell) And the next slide says there are four different paths to talc formation.
5 6 7 8 9 10 11 12 13 14 15 16	to inspect the ore at the port in China? A. I don't know the name of the contractor or the company. Q. Do you know the scope of their work? A. Part of the scope is listed here on 2085958. Q. But you don't know the entire scope of their work in relation to the activities at the port? A. Generally speaking, I know that they inspect the ship's hold for cleanliness. They inspect the port facilities for storage for cleanliness. They're doing a visual inspection of	3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. Q. And it goes on to say that China produces almost 40 percent of the world's supply and is the world's largest exporter; do you see that? MR. PROST: Object to form. A. That's what it says. Q. (By Ms. O'Dell) And do you have any reason to disagree with that? MR. PROST: Objection. A. No. Q. (By Ms. O'Dell) And the next slide says there are four different paths to talc formation. And the first listed is metasedimentary. And it
5 6 7 8 9 10 11 12 13 14 15 16 17	A. I don't know the name of the contractor or the company. Q. Do you know the scope of their work? A. Part of the scope is listed here on 2085958. Q. But you don't know the entire scope of their work in relation to the activities at the port? A. Generally speaking, I know that they inspect the ship's hold for cleanliness. They inspect the port facilities for storage for cleanliness. They're doing a visual inspection of the ore to make sure that it hasn't been	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Yes. Q. And it goes on to say that China produces almost 40 percent of the world's supply and is the world's largest exporter; do you see that? MR. PROST: Object to form. A. That's what it says. Q. (By Ms. O'Dell) And do you have any reason to disagree with that? MR. PROST: Objection. A. No. Q. (By Ms. O'Dell) And the next slide says there are four different paths to talc formation. And the first listed is metasedimentary. And it lists that China as a country where the talc
5 6 7 8 9 10 11 12 13 14 15 16 17	to inspect the ore at the port in China? A. I don't know the name of the contractor or the company. Q. Do you know the scope of their work? A. Part of the scope is listed here on 2085958. Q. But you don't know the entire scope of their work in relation to the activities at the port? A. Generally speaking, I know that they inspect the ship's hold for cleanliness. They inspect the port facilities for storage for cleanliness. They're doing a visual inspection of the ore to make sure that it hasn't been contaminated.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. And it goes on to say that China produces almost 40 percent of the world's supply and is the world's largest exporter; do you see that? MR. PROST: Object to form. A. That's what it says. Q. (By Ms. O'Dell) And do you have any reason to disagree with that? MR. PROST: Objection. A. No. Q. (By Ms. O'Dell) And the next slide says there are four different paths to talc formation. And the first listed is metasedimentary. And it lists that China as a country where the talc deposits are a metasedimentary; do you see that?
5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I don't know the name of the contractor or the company. Q. Do you know the scope of their work? A. Part of the scope is listed here on 2085958. Q. But you don't know the entire scope of their work in relation to the activities at the port? A. Generally speaking, I know that they inspect the ship's hold for cleanliness. They inspect the port facilities for storage for cleanliness. They're doing a visual inspection of the ore to make sure that it hasn't been contaminated. They also they're called the surveyor,	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. And it goes on to say that China produces almost 40 percent of the world's supply and is the world's largest exporter; do you see that? MR. PROST: Object to form. A. That's what it says. Q. (By Ms. O'Dell) And do you have any reason to disagree with that? MR. PROST: Objection. A. No. Q. (By Ms. O'Dell) And the next slide says there are four different paths to talc formation. And the first listed is metasedimentary. And it lists that China as a country where the talc deposits are a metasedimentary; do you see that? A. Yes.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. I don't know the name of the contractor or the company. Q. Do you know the scope of their work? A. Part of the scope is listed here on 2085958. Q. But you don't know the entire scope of their work in relation to the activities at the port? A. Generally speaking, I know that they inspect the ship's hold for cleanliness. They inspect the port facilities for storage for cleanliness. They're doing a visual inspection of the ore to make sure that it hasn't been contaminated. They also they're called the surveyor, and they make a survey of the ship to determine the	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. And it goes on to say that China produces almost 40 percent of the world's supply and is the world's largest exporter; do you see that? MR. PROST: Object to form. A. That's what it says. Q. (By Ms. O'Dell) And do you have any reason to disagree with that? MR. PROST: Objection. A. No. Q. (By Ms. O'Dell) And the next slide says there are four different paths to talc formation. And the first listed is metasedimentary. And it lists that China as a country where the talc deposits are a metasedimentary; do you see that? A. Yes. Q. Any reason to disagree with that?
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I don't know the name of the contractor or the company. Q. Do you know the scope of their work? A. Part of the scope is listed here on 2085958. Q. But you don't know the entire scope of their work in relation to the activities at the port? A. Generally speaking, I know that they inspect the ship's hold for cleanliness. They inspect the port facilities for storage for cleanliness. They're doing a visual inspection of the ore to make sure that it hasn't been contaminated. They also they're called the surveyor, and they make a survey of the ship to determine the weight of the talc that's been loaded on the ship.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. And it goes on to say that China produces almost 40 percent of the world's supply and is the world's largest exporter; do you see that? MR. PROST: Object to form. A. That's what it says. Q. (By Ms. O'Dell) And do you have any reason to disagree with that? MR. PROST: Objection. A. No. Q. (By Ms. O'Dell) And the next slide says there are four different paths to talc formation. And the first listed is metasedimentary. And it lists that China as a country where the talc deposits are a metasedimentary; do you see that? A. Yes. Q. Any reason to disagree with that? A. Not that I know of.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I don't know the name of the contractor or the company. Q. Do you know the scope of their work? A. Part of the scope is listed here on 2085958. Q. But you don't know the entire scope of their work in relation to the activities at the port? A. Generally speaking, I know that they inspect the ship's hold for cleanliness. They inspect the port facilities for storage for cleanliness. They're doing a visual inspection of the ore to make sure that it hasn't been contaminated. They also they're called the surveyor, and they make a survey of the ship to determine the weight of the talc that's been loaded on the ship. Q. I'll show you what I'm marking as	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. And it goes on to say that China produces almost 40 percent of the world's supply and is the world's largest exporter; do you see that? MR. PROST: Object to form. A. That's what it says. Q. (By Ms. O'Dell) And do you have any reason to disagree with that? MR. PROST: Objection. A. No. Q. (By Ms. O'Dell) And the next slide says there are four different paths to talc formation. And the first listed is metasedimentary. And it lists that China as a country where the talc deposits are a metasedimentary; do you see that? A. Yes. Q. Any reason to disagree with that? A. Not that I know of. Q. Let's turn further to the next page.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. I don't know the name of the contractor or the company. Q. Do you know the scope of their work? A. Part of the scope is listed here on 2085958. Q. But you don't know the entire scope of their work in relation to the activities at the port? A. Generally speaking, I know that they inspect the ship's hold for cleanliness. They inspect the port facilities for storage for cleanliness. They're doing a visual inspection of the ore to make sure that it hasn't been contaminated. They also they're called the surveyor, and they make a survey of the ship to determine the weight of the talc that's been loaded on the ship. Q. I'll show you what I'm marking as Exhibit 47.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yes. Q. And it goes on to say that China produces almost 40 percent of the world's supply and is the world's largest exporter; do you see that? MR. PROST: Object to form. A. That's what it says. Q. (By Ms. O'Dell) And do you have any reason to disagree with that? MR. PROST: Objection. A. No. Q. (By Ms. O'Dell) And the next slide says there are four different paths to talc formation. And the first listed is metasedimentary. And it lists that China as a country where the talc deposits are a metasedimentary; do you see that? A. Yes. Q. Any reason to disagree with that? A. Not that I know of. Q. Let's turn further to the next page. And it says
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I don't know the name of the contractor or the company. Q. Do you know the scope of their work? A. Part of the scope is listed here on 2085958. Q. But you don't know the entire scope of their work in relation to the activities at the port? A. Generally speaking, I know that they inspect the ship's hold for cleanliness. They inspect the port facilities for storage for cleanliness. They're doing a visual inspection of the ore to make sure that it hasn't been contaminated. They also they're called the surveyor, and they make a survey of the ship to determine the weight of the talc that's been loaded on the ship. Q. I'll show you what I'm marking as	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. And it goes on to say that China produces almost 40 percent of the world's supply and is the world's largest exporter; do you see that? MR. PROST: Object to form. A. That's what it says. Q. (By Ms. O'Dell) And do you have any reason to disagree with that? MR. PROST: Objection. A. No. Q. (By Ms. O'Dell) And the next slide says there are four different paths to talc formation. And the first listed is metasedimentary. And it lists that China as a country where the talc deposits are a metasedimentary; do you see that? A. Yes. Q. Any reason to disagree with that? A. Not that I know of. Q. Let's turn further to the next page.

34 (Pages 388 to 391)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 36 of 68 PageID: 51727

Patrick Downey

	Page 392		Page 394
1	read a Bates number into the record, correct? Did	1	Q. All right. Do you see that?
2	we produce this in native form?	2	And this is there's a picture of two, it
3	MS. O'DELL: That's correct.	3	looks like, females with carts and talc rocks; do
4	MR. SILVER: Okay. So just so we understand	4	you see that?
5	this, and there was another exhibit, you guys put	5	MR. PROST: Object to form.
6	the Bates number on after the fact?	6	A. Looks like they're pushing carts with
7	MS. O'DELL: Yes. We printed it in PDF and	7	stones.
8	made a footer with a Bates number to make it clear,	8	Q. (By Ms. O'Dell) Most likely talc rocks,
9	but that this is newly produced and	9	correct?
10	MR. SILVER: Okay. Is there any	10	A. Most likely, yes, but they're not
11	representation, or can you give me a representation	11	identified.
12	that other than adding the Bates number you didn't	12	Q. And it says, "3 to 5 employees (2 to 3
13	make any changes to the actual document?	13	sorters) per kton of ore"; do you see that?
14	MS. O'DELL: I will represent that to you	14	A. Yes.
15	100 percent, sure and certain, I have not modified	15	Q. And this is a picture of the
16	the PowerPoint.	16	hand-sorting part of the hand-sorting process in
17	MR. SILVER: I have satisfied I have	17	
		18	China, correct?
18 19	satisfied the curiosity. Thank you. MS. O'DELL: All right.	19	MR. PROST: Object to form.
20	<u> </u>	20	A. By the title of the slide, that would
	Q. (By Ms. O'Dell) Are there with are	_	seem to be indicated, but it doesn't say where.
21	we on the same page now, Mr. Downey? It says,	21	Q. (By Ms. O'Dell) Okay. But it's in
22	(as read:) Talc of metasedimentary origin have	22	China, and ostensibly it's well, this is a
23	large amounts of chlorite with the host rock	23	presentation about Chinese talc, and that's what it
24	excuse me when the host rock is micaceous," and	24	describes in China. That's what the picture it's
25	it includes China, right?	25	given for the beneficiation process in China,
	Page 393		Page 395
1	A. That's what it says.	1	correct?
2	Q. And it says, up above, "Talc of	2	A. For this slide of that presentation,
3	ultramafic origin," Finland and Vermont, it says	3	yes.
4	Finland and Vermont, "will have large amounts of	4	Q. I'll just leave it at that time.
5	magnesium carbonate." That's	5	Is there any other processing that takes
6	MR. PROST: Sorry. Object to form.	6	
7	· · ·		place in China besides hand-sorting?
	Q. (By Ms. O'Dell) Did I read that	7	
8	Q. (By Ms. O'Dell) Did I read that correctly?		place in China besides hand-sorting?
8 9	- ' '	7	place in China besides hand-sorting? A. Screening.
_	correctly?	7 8	place in China besides hand-sorting? A. Screening. Q. And what's the purpose for screening?
9	correctly? A. I believe so.	7 8 9	place in China besides hand-sorting? A. Screening. Q. And what's the purpose for screening? A. The screening is a process that removes
9	correctly? A. I believe so. Q. Do you have any reason to disagree with	7 8 9 10	place in China besides hand-sorting? A. Screening. Q. And what's the purpose for screening? A. The screening is a process that removes the fines, in this case, I think the minus
9 10 11	correctly? A. I believe so. Q. Do you have any reason to disagree with that?	7 8 9 10 11	place in China besides hand-sorting? A. Screening. Q. And what's the purpose for screening? A. The screening is a process that removes the fines, in this case, I think the minus 30-millimeter fraction, so it was a screen at about
9 10 11 12	correctly? A. I believe so. Q. Do you have any reason to disagree with that? A. No.	7 8 9 10 11 12	place in China besides hand-sorting? A. Screening. Q. And what's the purpose for screening? A. The screening is a process that removes the fines, in this case, I think the minus 30-millimeter fraction, so it was a screen at about 1.2 inches, by your math.
9 10 11 12 13	correctly? A. I believe so. Q. Do you have any reason to disagree with that? A. No. Q. Okay.	7 8 9 10 11 12 13	place in China besides hand-sorting? A. Screening. Q. And what's the purpose for screening? A. The screening is a process that removes the fines, in this case, I think the minus 30-millimeter fraction, so it was a screen at about 1.2 inches, by your math. And depending on what's being screened,
9 10 11 12 13 14	correctly? A. I believe so. Q. Do you have any reason to disagree with that? A. No. Q. Okay. A. Well, I don't know about Finland,	7 8 9 10 11 12 13	place in China besides hand-sorting? A. Screening. Q. And what's the purpose for screening? A. The screening is a process that removes the fines, in this case, I think the minus 30-millimeter fraction, so it was a screen at about 1.2 inches, by your math. And depending on what's being screened, there can be some beneficiation that occurs at that
9 10 11 12 13 14 15	correctly? A. I believe so. Q. Do you have any reason to disagree with that? A. No. Q. Okay. A. Well, I don't know about Finland, so	7 8 9 10 11 12 13 14	place in China besides hand-sorting? A. Screening. Q. And what's the purpose for screening? A. The screening is a process that removes the fines, in this case, I think the minus 30-millimeter fraction, so it was a screen at about 1.2 inches, by your math. And depending on what's being screened, there can be some beneficiation that occurs at that stage.
9 10 11 12 13 14 15 16	correctly? A. I believe so. Q. Do you have any reason to disagree with that? A. No. Q. Okay. A. Well, I don't know about Finland, so Q. Well, I'm focused on Vermont, so I didn't ask about Finland.	7 8 9 10 11 12 13 14 15	place in China besides hand-sorting? A. Screening. Q. And what's the purpose for screening? A. The screening is a process that removes the fines, in this case, I think the minus 30-millimeter fraction, so it was a screen at about 1.2 inches, by your math. And depending on what's being screened, there can be some beneficiation that occurs at that stage. Q. And what kind of beneficiation would
9 10 11 12 13 14 15 16 17	correctly? A. I believe so. Q. Do you have any reason to disagree with that? A. No. Q. Okay. A. Well, I don't know about Finland, so Q. Well, I'm focused on Vermont, so I didn't ask about Finland. Okay. Let me ask you to turn to it's	7 8 9 10 11 12 13 14 15 16	place in China besides hand-sorting? A. Screening. Q. And what's the purpose for screening? A. The screening is a process that removes the fines, in this case, I think the minus 30-millimeter fraction, so it was a screen at about 1.2 inches, by your math. And depending on what's being screened, there can be some beneficiation that occurs at that stage. Q. And what kind of beneficiation would that be? A. Again, it depends on the particular
9 10 11 12 13 14 15 16 17 18	correctly? A. I believe so. Q. Do you have any reason to disagree with that? A. No. Q. Okay. A. Well, I don't know about Finland, so Q. Well, I'm focused on Vermont, so I didn't ask about Finland. Okay. Let me ask you to turn to it's about 20 pages into the document to a carbonate	7 8 9 10 11 12 13 14 15 16 17	place in China besides hand-sorting? A. Screening. Q. And what's the purpose for screening? A. The screening is a process that removes the fines, in this case, I think the minus 30-millimeter fraction, so it was a screen at about 1.2 inches, by your math. And depending on what's being screened, there can be some beneficiation that occurs at that stage. Q. And what kind of beneficiation would that be? A. Again, it depends on the particular deposit. In some cases, certain minerals will
9 10 11 12 13 14 15 16 17 18 19 20	correctly? A. I believe so. Q. Do you have any reason to disagree with that? A. No. Q. Okay. A. Well, I don't know about Finland, so Q. Well, I'm focused on Vermont, so I didn't ask about Finland. Okay. Let me ask you to turn to it's about 20 pages into the document to a carbonate slide entitled "Typical Chinese Talc	7 8 9 10 11 12 13 14 15 16 17 18 19 20	place in China besides hand-sorting? A. Screening. Q. And what's the purpose for screening? A. The screening is a process that removes the fines, in this case, I think the minus 30-millimeter fraction, so it was a screen at about 1.2 inches, by your math. And depending on what's being screened, there can be some beneficiation that occurs at that stage. Q. And what kind of beneficiation would that be? A. Again, it depends on the particular deposit. In some cases, certain minerals will segregate to the fines fraction, so it depends.
9 10 11 12 13 14 15 16 17 18 19 20 21	correctly? A. I believe so. Q. Do you have any reason to disagree with that? A. No. Q. Okay. A. Well, I don't know about Finland, so Q. Well, I'm focused on Vermont, so I didn't ask about Finland. Okay. Let me ask you to turn to it's about 20 pages into the document to a carbonate slide entitled "Typical Chinese Talc Beneficiation." I'll give you a minute to turn	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	place in China besides hand-sorting? A. Screening. Q. And what's the purpose for screening? A. The screening is a process that removes the fines, in this case, I think the minus 30-millimeter fraction, so it was a screen at about 1.2 inches, by your math. And depending on what's being screened, there can be some beneficiation that occurs at that stage. Q. And what kind of beneficiation would that be? A. Again, it depends on the particular deposit. In some cases, certain minerals will segregate to the fines fraction, so it depends. Q. I'm asking specifically, and I should
9 10 11 12 13 14 15 16 17 18 19 20 21 22	correctly? A. I believe so. Q. Do you have any reason to disagree with that? A. No. Q. Okay. A. Well, I don't know about Finland, so Q. Well, I'm focused on Vermont, so I didn't ask about Finland. Okay. Let me ask you to turn to it's about 20 pages into the document to a carbonate slide entitled "Typical Chinese Talc Beneficiation." I'll give you a minute to turn there. "Typical Chinese Talc Beneficiation."	7 8 9 10 11 12 13 14 15 16 17 18 19 20	place in China besides hand-sorting? A. Screening. Q. And what's the purpose for screening? A. The screening is a process that removes the fines, in this case, I think the minus 30-millimeter fraction, so it was a screen at about 1.2 inches, by your math. And depending on what's being screened, there can be some beneficiation that occurs at that stage. Q. And what kind of beneficiation would that be? A. Again, it depends on the particular deposit. In some cases, certain minerals will segregate to the fines fraction, so it depends. Q. I'm asking specifically, and I should have been clear, specifically in regard to the
9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	correctly? A. I believe so. Q. Do you have any reason to disagree with that? A. No. Q. Okay. A. Well, I don't know about Finland, so Q. Well, I'm focused on Vermont, so I didn't ask about Finland. Okay. Let me ask you to turn to it's about 20 pages into the document to a carbonate slide entitled "Typical Chinese Talc Beneficiation." I'll give you a minute to turn there. "Typical Chinese Talc Beneficiation." A. I think we're getting closer.	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	place in China besides hand-sorting? A. Screening. Q. And what's the purpose for screening? A. The screening is a process that removes the fines, in this case, I think the minus 30-millimeter fraction, so it was a screen at about 1.2 inches, by your math. And depending on what's being screened, there can be some beneficiation that occurs at that stage. Q. And what kind of beneficiation would that be? A. Again, it depends on the particular deposit. In some cases, certain minerals will segregate to the fines fraction, so it depends. Q. I'm asking specifically, and I should have been clear, specifically in regard to the Zhizhua mine and the processing that is performed
9 10 11 12 13 14 15 16 17 18 19 20 21 22	correctly? A. I believe so. Q. Do you have any reason to disagree with that? A. No. Q. Okay. A. Well, I don't know about Finland, so Q. Well, I'm focused on Vermont, so I didn't ask about Finland. Okay. Let me ask you to turn to it's about 20 pages into the document to a carbonate slide entitled "Typical Chinese Talc Beneficiation." I'll give you a minute to turn there. "Typical Chinese Talc Beneficiation."	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	place in China besides hand-sorting? A. Screening. Q. And what's the purpose for screening? A. The screening is a process that removes the fines, in this case, I think the minus 30-millimeter fraction, so it was a screen at about 1.2 inches, by your math. And depending on what's being screened, there can be some beneficiation that occurs at that stage. Q. And what kind of beneficiation would that be? A. Again, it depends on the particular deposit. In some cases, certain minerals will segregate to the fines fraction, so it depends. Q. I'm asking specifically, and I should have been clear, specifically in regard to the

35 (Pages 392 to 395)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 37 of 68 PageID: 51728

Patrick Downey

	Page 396		Page 398
1	process that is undertaken in China besides	1	Johnson & Johnson bottling subcontractor?
2	hand-sorting and the screening	2	MR. PROST: Object to form; outside the
3	A. Screening.	3	scope.
4	Q screening to remove the fines?	4	A. Generally speaking, it's sent to them.
5	A. Is there any other beneficiation? Well,	5	Q. (By Ms. O'Dell) Electronically?
6	certainly, the selective mining is always the first	6	MR. PROST: Same objection.
7	step of beneficiation.	7	A. Either electronically or via mail.
8	Q. Excuse me. I'm talking about out of	8	Because we don't have a package in which we can
9	it comes out of the mine and it's first it's	9	ship it to them, we ship in bulk. We are a bulk
10	hand sorted and then it's screened to remove the	10	supplier. We are we're shipping material to
11	fine material. You're calling them "fines"	11	them, so we have to have it we're shipping in
12	A. That's right.	12	bulk, so we have to have a different mechanism to
13	Q f-i-n-e-s, but that means the fine	13	be able to provide the MSDS with it.
14	material?	14	Q. (By Ms. O'Dell) In other words, if
15	A. That's correct. But, again,	15	you're transporting the product's being
16	beneficiation begins with selective mining.	16	transported from the processing plant in Houston to
17	Q. All right. Fair enough. I have a	17	Royston, Georgia, by rail car, there's no really
18		18	good place to attach a materials safety data sheet?
19	couple of other areas that I'm going to cover, so	19	A. Yeah. They'd fly away in the winds.
20	I'm going to change subjects. We talked about the Chinese mine. We talked	20	
21		21	Q. That's yes. MR. PROST: Object to form; outside the
22	about the process in China, hand sorting and	22	-
23	screening. The Chinese talc is then transported to	23	scope.
	the U.S., goes through the Houston process, and		Q. Okay. I'm going to transition and talk
24	once the processing plant. And then it is, you	24	about, for just a few minutes, the West Windsor
25	said, loaded onto a rail car for purposes of being	25	processing plant in Vermont.
	Page 397		Page 399
1	supplied to J&J's bottler, correct?	1	A. Okay.
2	A. Generally speaking, yes, it is.	2	Q. The West Windsor processing plant was a
3	Q. And Johnson & Johnson's Baby Powder is	3	float-feed plant, correct?
4	bottled in Royston, Georgia; do you understand	4	
5			A. It was a flotation plant.
_	that?	5	Q. And I'm going to show you what I've
6	that? A. Yes.	5 6	Q. And I'm going to show you what I've marked as Exhibit 44 [sic].
6 7			Q. And I'm going to show you what I've
	A. Yes. Q. And previously, before they sold the company, is it your understanding that	6	Q. And I'm going to show you what I've marked as Exhibit 44 [sic].
7	A. Yes. Q. And previously, before they sold the	6 7	Q. And I'm going to show you what I've marked as Exhibit 44 [sic]. (Exhibit 48 was marked for identification.)
7 8	A. Yes. Q. And previously, before they sold the company, is it your understanding that	6 7 8	Q. And I'm going to show you what I've marked as Exhibit 44 [sic]. (Exhibit 48 was marked for identification.) MS. O'DELL: And that is document the
7 8 9	A. Yes. Q. And previously, before they sold the company, is it your understanding that Johnson & Johnson's Shower to Shower product was bottled in a facility in Missouri? MR. PROST: Object to form.	6 7 8 9	Q. And I'm going to show you what I've marked as Exhibit 44 [sic]. (Exhibit 48 was marked for identification.) MS. O'DELL: And that is document the Bates stamp is IMERYS 419470.
7 8 9 10	A. Yes. Q. And previously, before they sold the company, is it your understanding that Johnson & Johnson's Shower to Shower product was bottled in a facility in Missouri?	6 7 8 9 10	Q. And I'm going to show you what I've marked as Exhibit 44 [sic]. (Exhibit 48 was marked for identification.) MS. O'DELL: And that is document the Bates stamp is IMERYS 419470. MR. PROST: You didn't mean 44, right? You
7 8 9 10 11	A. Yes. Q. And previously, before they sold the company, is it your understanding that Johnson & Johnson's Shower to Shower product was bottled in a facility in Missouri? MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct? A. My general knowledge of J&J's activity	6 7 8 9 10 11	Q. And I'm going to show you what I've marked as Exhibit 44 [sic]. (Exhibit 48 was marked for identification.) MS. O'DELL: And that is document the Bates stamp is IMERYS 419470. MR. PROST: You didn't mean 44, right? You meant 48? MS. O'DELL: I did. 48. I'm sorry. Q. (By Ms. O'Dell) You'd been to the West
7 8 9 10 11	A. Yes. Q. And previously, before they sold the company, is it your understanding that Johnson & Johnson's Shower to Shower product was bottled in a facility in Missouri? MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct?	6 7 8 9 10 11	Q. And I'm going to show you what I've marked as Exhibit 44 [sic]. (Exhibit 48 was marked for identification.) MS. O'DELL: And that is document the Bates stamp is IMERYS 419470. MR. PROST: You didn't mean 44, right? You meant 48? MS. O'DELL: I did. 48. I'm sorry. Q. (By Ms. O'Dell) You'd been to the West Windsor processing plant, correct?
7 8 9 10 11 12 13	A. Yes. Q. And previously, before they sold the company, is it your understanding that Johnson & Johnson's Shower to Shower product was bottled in a facility in Missouri? MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct? A. My general knowledge of J&J's activity was that their products were bottled in Royston, Georgia.	6 7 8 9 10 11 12	Q. And I'm going to show you what I've marked as Exhibit 44 [sic]. (Exhibit 48 was marked for identification.) MS. O'DELL: And that is document the Bates stamp is IMERYS 419470. MR. PROST: You didn't mean 44, right? You meant 48? MS. O'DELL: I did. 48. I'm sorry. Q. (By Ms. O'Dell) You'd been to the West
7 8 9 10 11 12 13 14	A. Yes. Q. And previously, before they sold the company, is it your understanding that Johnson & Johnson's Shower to Shower product was bottled in a facility in Missouri? MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct? A. My general knowledge of J&J's activity was that their products were bottled in Royston, Georgia. Q. Is are you aware that, since 2006,	6 7 8 9 10 11 12 13	Q. And I'm going to show you what I've marked as Exhibit 44 [sic]. (Exhibit 48 was marked for identification.) MS. O'DELL: And that is document the Bates stamp is IMERYS 419470. MR. PROST: You didn't mean 44, right? You meant 48? MS. O'DELL: I did. 48. I'm sorry. Q. (By Ms. O'Dell) You'd been to the West Windsor processing plant, correct?
7 8 9 10 11 12 13 14 15	A. Yes. Q. And previously, before they sold the company, is it your understanding that Johnson & Johnson's Shower to Shower product was bottled in a facility in Missouri? MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct? A. My general knowledge of J&J's activity was that their products were bottled in Royston, Georgia.	6 7 8 9 10 11 12 13 14 15	Q. And I'm going to show you what I've marked as Exhibit 44 [sic]. (Exhibit 48 was marked for identification.) MS. O'DELL: And that is document the Bates stamp is IMERYS 419470. MR. PROST: You didn't mean 44, right? You meant 48? MS. O'DELL: I did. 48. I'm sorry. Q. (By Ms. O'Dell) You'd been to the West Windsor processing plant, correct? A. Yes, a couple years before it was shut
7 8 9 10 11 12 13 14 15	A. Yes. Q. And previously, before they sold the company, is it your understanding that Johnson & Johnson's Shower to Shower product was bottled in a facility in Missouri? MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct? A. My general knowledge of J&J's activity was that their products were bottled in Royston, Georgia. Q. Is are you aware that, since 2006, Imerys has issued a materials safety data sheet in relation to its talc sold to Johnson & Johnson that	6 7 8 9 10 11 12 13 14 15	Q. And I'm going to show you what I've marked as Exhibit 44 [sic]. (Exhibit 48 was marked for identification.) MS. O'DELL: And that is document the Bates stamp is IMERYS 419470. MR. PROST: You didn't mean 44, right? You meant 48? MS. O'DELL: I did. 48. I'm sorry. Q. (By Ms. O'Dell) You'd been to the West Windsor processing plant, correct? A. Yes, a couple years before it was shut down. Q. And it was shut down in 2003, correct? A. Yes.
7 8 9 10 11 12 13 14 15 16	A. Yes. Q. And previously, before they sold the company, is it your understanding that Johnson & Johnson's Shower to Shower product was bottled in a facility in Missouri? MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct? A. My general knowledge of J&J's activity was that their products were bottled in Royston, Georgia. Q. Is are you aware that, since 2006, Imerys has issued a materials safety data sheet in	6 7 8 9 10 11 12 13 14 15 16	Q. And I'm going to show you what I've marked as Exhibit 44 [sic]. (Exhibit 48 was marked for identification.) MS. O'DELL: And that is document the Bates stamp is IMERYS 419470. MR. PROST: You didn't mean 44, right? You meant 48? MS. O'DELL: I did. 48. I'm sorry. Q. (By Ms. O'Dell) You'd been to the West Windsor processing plant, correct? A. Yes, a couple years before it was shut down. Q. And it was shut down in 2003, correct?
7 8 9 10 11 12 13 14 15 16 17	A. Yes. Q. And previously, before they sold the company, is it your understanding that Johnson & Johnson's Shower to Shower product was bottled in a facility in Missouri? MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct? A. My general knowledge of J&J's activity was that their products were bottled in Royston, Georgia. Q. Is are you aware that, since 2006, Imerys has issued a materials safety data sheet in relation to its talc sold to Johnson & Johnson that	6 7 8 9 10 11 12 13 14 15 16 17	Q. And I'm going to show you what I've marked as Exhibit 44 [sic]. (Exhibit 48 was marked for identification.) MS. O'DELL: And that is document the Bates stamp is IMERYS 419470. MR. PROST: You didn't mean 44, right? You meant 48? MS. O'DELL: I did. 48. I'm sorry. Q. (By Ms. O'Dell) You'd been to the West Windsor processing plant, correct? A. Yes, a couple years before it was shut down. Q. And it was shut down in 2003, correct? A. Yes.
7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. And previously, before they sold the company, is it your understanding that Johnson & Johnson's Shower to Shower product was bottled in a facility in Missouri? MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct? A. My general knowledge of J&J's activity was that their products were bottled in Royston, Georgia. Q. Is are you aware that, since 2006, Imerys has issued a materials safety data sheet in relation to its talc sold to Johnson & Johnson that includes a warning for ovarian cancer?	6 7 8 9 10 11 12 13 14 15 16 17 18	Q. And I'm going to show you what I've marked as Exhibit 44 [sic]. (Exhibit 48 was marked for identification.) MS. O'DELL: And that is document the Bates stamp is IMERYS 419470. MR. PROST: You didn't mean 44, right? You meant 48? MS. O'DELL: I did. 48. I'm sorry. Q. (By Ms. O'Dell) You'd been to the West Windsor processing plant, correct? A. Yes, a couple years before it was shut down. Q. And it was shut down in 2003, correct? A. Yes. Q. Which it was shut down at the time
7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. And previously, before they sold the company, is it your understanding that Johnson & Johnson's Shower to Shower product was bottled in a facility in Missouri? MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct? A. My general knowledge of J&J's activity was that their products were bottled in Royston, Georgia. Q. Is are you aware that, since 2006, Imerys has issued a materials safety data sheet in relation to its talc sold to Johnson & Johnson that includes a warning for ovarian cancer? MR. PROST: Object to form.	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. And I'm going to show you what I've marked as Exhibit 44 [sic]. (Exhibit 48 was marked for identification.) MS. O'DELL: And that is document the Bates stamp is IMERYS 419470. MR. PROST: You didn't mean 44, right? You meant 48? MS. O'DELL: I did. 48. I'm sorry. Q. (By Ms. O'Dell) You'd been to the West Windsor processing plant, correct? A. Yes, a couple years before it was shut down. Q. And it was shut down in 2003, correct? A. Yes. Q. Which it was shut down at the time that the talc for Johnson & Johnson's talcum-powder
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. And previously, before they sold the company, is it your understanding that Johnson & Johnson's Shower to Shower product was bottled in a facility in Missouri? MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct? A. My general knowledge of J&J's activity was that their products were bottled in Royston, Georgia. Q. Is are you aware that, since 2006, Imerys has issued a materials safety data sheet in relation to its talc sold to Johnson & Johnson that includes a warning for ovarian cancer? MR. PROST: Object to form. A. I'm aware of an MSDS that we've supplied that includes information about ovarian cancer. Q. (By Ms. O'Dell) How is that	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. And I'm going to show you what I've marked as Exhibit 44 [sic]. (Exhibit 48 was marked for identification.) MS. O'DELL: And that is document the Bates stamp is IMERYS 419470. MR. PROST: You didn't mean 44, right? You meant 48? MS. O'DELL: I did. 48. I'm sorry. Q. (By Ms. O'Dell) You'd been to the West Windsor processing plant, correct? A. Yes, a couple years before it was shut down. Q. And it was shut down in 2003, correct? A. Yes. Q. Which it was shut down at the time that the talc for Johnson & Johnson's talcum-powder products stopped being sourced in Vermont and
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. And previously, before they sold the company, is it your understanding that Johnson & Johnson's Shower to Shower product was bottled in a facility in Missouri? MR. PROST: Object to form. Q. (By Ms. O'Dell) Correct? A. My general knowledge of J&J's activity was that their products were bottled in Royston, Georgia. Q. Is are you aware that, since 2006, Imerys has issued a materials safety data sheet in relation to its talc sold to Johnson & Johnson that includes a warning for ovarian cancer? MR. PROST: Object to form. A. I'm aware of an MSDS that we've supplied that includes information about ovarian cancer.	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And I'm going to show you what I've marked as Exhibit 44 [sic]. (Exhibit 48 was marked for identification.) MS. O'DELL: And that is document the Bates stamp is IMERYS 419470. MR. PROST: You didn't mean 44, right? You meant 48? MS. O'DELL: I did. 48. I'm sorry. Q. (By Ms. O'Dell) You'd been to the West Windsor processing plant, correct? A. Yes, a couple years before it was shut down. Q. And it was shut down in 2003, correct? A. Yes. Q. Which it was shut down at the time that the talc for Johnson & Johnson's talcum-powder products stopped being sourced in Vermont and started being sourced in China, correct?

36 (Pages 396 to 399)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 38 of 68 PageID: 51729

Patrick Downey

1	Page 400		Page 402
1	A. I don't think that's in my	1	chemistry of minerals so you can add a frothing
2	MR. PROST: Yeah. It doesn't go that far.	2	agent as a collector, as an example, that will
3	Mine doesn't.	3	and in this slurry, you also create bubbles.
4	MS. O'DELL: The beginning Bates is 419470	4	That's how you get the froth. That's what "froth
5	in your document.	5	flotation" means.
6	MR. PROST: It's 308374.	6	And as the bubbles rise through the column
7	MR. SILVER: No, 308384.	7	of this slurry, the surface chemistry of the bubble
8	Q. (By Ms. O'Dell) Can I see what I've	8	with this flotation reagent added to it, and in
9	handed you? Maybe somehow the wrong wrong	9	this example, will attach to the talc. It'll
10	document	10	collect the talc onto the bubble and rise it to the
11	Okay. I'm ask you to look at page 392 of	11	top with the froth, whereas the carbonate gangue
12	Exhibit 48 and ask, Mr. Downey, is that an accurate		mineral doesn't have the same surface chemistry, so
13	description of the flotation process of the West	13	it's not going to attach to the bubble, so it won't
14	Windsor Mill?	14	rise.
15	A. (Document reviewed.) I would say so,	15	So you get talc that's rising, being floated
16	yes.	16	to the top of this slurry, and the carbonate
17	Q. What reagents were used as a part of the	17	minerals don't, so they're depressed, and so you
18	West Windsor processing plant?	18	get this separation. And you do that through a
19	A. I don't know if it says in this document	19	series of tanks. You keep doing it over and over
20	or not. I think I might have seen this before. It	20	and over again until, at the end of the process,
21	might be MIBC. MIBC.	21	you have a concentrate of talc where you have
22	Q. What does that refer to?	22	increased the purity of it from what you began
23	The state of the s	23	with.
24	A. I'm drawing a blank right now. I just recall that.	24	
25		25	Q. And the purpose of that process is to
25	Q. As you're sitting here today, you're not		remove impurities or unwanted minerals from the
	Page 401		Page 403
1	able to tell us what chemical reagents were used as		
	able to tell us what chemical reagents were used as	1	talc ore, correct?
2	part of the flotation process at the West Windsor	2	A. Yeah. To remove the gangue minerals.
3	part of the flotation process at the West Windsor Mill?	2	A. Yeah. To remove the gangue minerals.Q. And what I can't hear what you're
3 4	part of the flotation process at the West Windsor Mill? A. Based on my recollection, it was MIBC.	2 3 4	A. Yeah. To remove the gangue minerals. Q. And what I can't hear what you're saying.
3 4 5	part of the flotation process at the West Windsor Mill? A. Based on my recollection, it was MIBC. I'm just drawing a blank on what that stands for	2 3 4 5	A. Yeah. To remove the gangue minerals.Q. And what I can't hear what you're saying.A. Gangue, g-a-n-g-u-e.
3 4 5 6	part of the flotation process at the West Windsor Mill? A. Based on my recollection, it was MIBC. I'm just drawing a blank on what that stands for right now.	2 3 4 5 6	 A. Yeah. To remove the gangue minerals. Q. And what I can't hear what you're saying. A. Gangue, g-a-n-g-u-e. Q. How does that long does that frothing
3 4 5 6 7	part of the flotation process at the West Windsor Mill? A. Based on my recollection, it was MIBC. I'm just drawing a blank on what that stands for right now. Q. It was a flotation process that took	2 3 4 5 6 7	 A. Yeah. To remove the gangue minerals. Q. And what I can't hear what you're saying. A. Gangue, g-a-n-g-u-e. Q. How does that long does that frothing process, moving from tank to tank, typically take?
3 4 5 6 7 8	part of the flotation process at the West Windsor Mill? A. Based on my recollection, it was MIBC. I'm just drawing a blank on what that stands for right now. Q. It was a flotation process that took place at Windsor.	2 3 4 5 6 7 8	 A. Yeah. To remove the gangue minerals. Q. And what I can't hear what you're saying. A. Gangue, g-a-n-g-u-e. Q. How does that long does that frothing process, moving from tank to tank, typically take? A. I don't recall, for the Windsor plant,
3 4 5 6 7 8 9	part of the flotation process at the West Windsor Mill? A. Based on my recollection, it was MIBC. I'm just drawing a blank on what that stands for right now. Q. It was a flotation process that took place at Windsor. And what was the purpose of that flotation	2 3 4 5 6 7 8	 A. Yeah. To remove the gangue minerals. Q. And what I can't hear what you're saying. A. Gangue, g-a-n-g-u-e. Q. How does that long does that frothing process, moving from tank to tank, typically take? A. I don't recall, for the Windsor plant, how long that takes. It would go through a number
3 4 5 6 7 8 9	part of the flotation process at the West Windsor Mill? A. Based on my recollection, it was MIBC. I'm just drawing a blank on what that stands for right now. Q. It was a flotation process that took place at Windsor. And what was the purpose of that flotation process?	2 3 4 5 6 7 8 9	 A. Yeah. To remove the gangue minerals. Q. And what I can't hear what you're saying. A. Gangue, g-a-n-g-u-e. Q. How does that long does that frothing process, moving from tank to tank, typically take? A. I don't recall, for the Windsor plant, how long that takes. It would go through a number of cells, through roughers and cleaners.
3 4 5 6 7 8 9 10	part of the flotation process at the West Windsor Mill? A. Based on my recollection, it was MIBC. I'm just drawing a blank on what that stands for right now. Q. It was a flotation process that took place at Windsor. And what was the purpose of that flotation process? A. Generally speaking, froth flotation is a	2 3 4 5 6 7 8 9 10	A. Yeah. To remove the gangue minerals. Q. And what I can't hear what you're saying. A. Gangue, g-a-n-g-u-e. Q. How does that long does that frothing process, moving from tank to tank, typically take? A. I don't recall, for the Windsor plant, how long that takes. It would go through a number of cells, through roughers and cleaners. Q. Do you recall how large the flotation
3 4 5 6 7 8 9 10 11	part of the flotation process at the West Windsor Mill? A. Based on my recollection, it was MIBC. I'm just drawing a blank on what that stands for right now. Q. It was a flotation process that took place at Windsor. And what was the purpose of that flotation process? A. Generally speaking, froth flotation is a beneficiation process by which minerals can be	2 3 4 5 6 7 8 9 10 11	A. Yeah. To remove the gangue minerals. Q. And what I can't hear what you're saying. A. Gangue, g-a-n-g-u-e. Q. How does that long does that frothing process, moving from tank to tank, typically take? A. I don't recall, for the Windsor plant, how long that takes. It would go through a number of cells, through roughers and cleaners. Q. Do you recall how large the flotation tanks were at the West Windsor Mill?
3 4 5 6 7 8 9 10 11 12 13	part of the flotation process at the West Windsor Mill? A. Based on my recollection, it was MIBC. I'm just drawing a blank on what that stands for right now. Q. It was a flotation process that took place at Windsor. And what was the purpose of that flotation process? A. Generally speaking, froth flotation is a beneficiation process by which minerals can be separated based on physical characteristics that	2 3 4 5 6 7 8 9 10 11 12	A. Yeah. To remove the gangue minerals. Q. And what I can't hear what you're saying. A. Gangue, g-a-n-g-u-e. Q. How does that long does that frothing process, moving from tank to tank, typically take? A. I don't recall, for the Windsor plant, how long that takes. It would go through a number of cells, through roughers and cleaners. Q. Do you recall how large the flotation tanks were at the West Windsor Mill? A. I don't.
3 4 5 6 7 8 9 10 11 12 13 14	part of the flotation process at the West Windsor Mill? A. Based on my recollection, it was MIBC. I'm just drawing a blank on what that stands for right now. Q. It was a flotation process that took place at Windsor. And what was the purpose of that flotation process? A. Generally speaking, froth flotation is a beneficiation process by which minerals can be separated based on physical characteristics that can be based on the difference of physical	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yeah. To remove the gangue minerals. Q. And what I can't hear what you're saying. A. Gangue, g-a-n-g-u-e. Q. How does that long does that frothing process, moving from tank to tank, typically take? A. I don't recall, for the Windsor plant, how long that takes. It would go through a number of cells, through roughers and cleaners. Q. Do you recall how large the flotation tanks were at the West Windsor Mill? A. I don't. Q. And reagents or chemicals were added to
3 4 5 6 7 8 9 10 11 12 13 14 15	part of the flotation process at the West Windsor Mill? A. Based on my recollection, it was MIBC. I'm just drawing a blank on what that stands for right now. Q. It was a flotation process that took place at Windsor. And what was the purpose of that flotation process? A. Generally speaking, froth flotation is a beneficiation process by which minerals can be separated based on physical characteristics that can be — based on the difference of physical characteristics of the minerals that can be	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Yeah. To remove the gangue minerals. Q. And what I can't hear what you're saying. A. Gangue, g-a-n-g-u-e. Q. How does that long does that frothing process, moving from tank to tank, typically take? A. I don't recall, for the Windsor plant, how long that takes. It would go through a number of cells, through roughers and cleaners. Q. Do you recall how large the flotation tanks were at the West Windsor Mill? A. I don't. Q. And reagents or chemicals were added to the slurry, and that slurry is the talc ore plus
3 4 5 6 7 8 9 10 11 12 13 14 15 16	part of the flotation process at the West Windsor Mill? A. Based on my recollection, it was MIBC. I'm just drawing a blank on what that stands for right now. Q. It was a flotation process that took place at Windsor. And what was the purpose of that flotation process? A. Generally speaking, froth flotation is a beneficiation process by which minerals can be separated based on physical characteristics that can be based on the difference of physical characteristics of the minerals that can be exploited by chemistry, so to speak. You create a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yeah. To remove the gangue minerals. Q. And what I can't hear what you're saying. A. Gangue, g-a-n-g-u-e. Q. How does that long does that frothing process, moving from tank to tank, typically take? A. I don't recall, for the Windsor plant, how long that takes. It would go through a number of cells, through roughers and cleaners. Q. Do you recall how large the flotation tanks were at the West Windsor Mill? A. I don't. Q. And reagents or chemicals were added to the slurry, and that slurry is the talc ore plus water plus chemicals, correct?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	part of the flotation process at the West Windsor Mill? A. Based on my recollection, it was MIBC. I'm just drawing a blank on what that stands for right now. Q. It was a flotation process that took place at Windsor. And what was the purpose of that flotation process? A. Generally speaking, froth flotation is a beneficiation process by which minerals can be separated based on physical characteristics that can be based on the difference of physical characteristics of the minerals that can be exploited by chemistry, so to speak. You create a slurry of the crushed and milled to a liberation	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Yeah. To remove the gangue minerals. Q. And what I can't hear what you're saying. A. Gangue, g-a-n-g-u-e. Q. How does that long does that frothing process, moving from tank to tank, typically take? A. I don't recall, for the Windsor plant, how long that takes. It would go through a number of cells, through roughers and cleaners. Q. Do you recall how large the flotation tanks were at the West Windsor Mill? A. I don't. Q. And reagents or chemicals were added to the slurry, and that slurry is the talc ore plus water plus chemicals, correct? A. Yes.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	part of the flotation process at the West Windsor Mill? A. Based on my recollection, it was MIBC. I'm just drawing a blank on what that stands for right now. Q. It was a flotation process that took place at Windsor. And what was the purpose of that flotation process? A. Generally speaking, froth flotation is a beneficiation process by which minerals can be separated based on physical characteristics that can be based on the difference of physical characteristics of the minerals that can be exploited by chemistry, so to speak. You create a slurry of the crushed and milled to a liberation point of the minerals. So first of all, you have	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yeah. To remove the gangue minerals. Q. And what I can't hear what you're saying. A. Gangue, g-a-n-g-u-e. Q. How does that long does that frothing process, moving from tank to tank, typically take? A. I don't recall, for the Windsor plant, how long that takes. It would go through a number of cells, through roughers and cleaners. Q. Do you recall how large the flotation tanks were at the West Windsor Mill? A. I don't. Q. And reagents or chemicals were added to the slurry, and that slurry is the talc ore plus water plus chemicals, correct? A. Yes. Q. And you referred to MIBC?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	part of the flotation process at the West Windsor Mill? A. Based on my recollection, it was MIBC. I'm just drawing a blank on what that stands for right now. Q. It was a flotation process that took place at Windsor. And what was the purpose of that flotation process? A. Generally speaking, froth flotation is a beneficiation process by which minerals can be separated based on physical characteristics that can be — based on the difference of physical characteristics of the minerals that can be exploited by chemistry, so to speak. You create a slurry of the crushed and milled to a liberation point of the minerals. So first of all, you have to make sure that the minerals are broken up enough	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yeah. To remove the gangue minerals. Q. And what I can't hear what you're saying. A. Gangue, g-a-n-g-u-e. Q. How does that long does that frothing process, moving from tank to tank, typically take? A. I don't recall, for the Windsor plant, how long that takes. It would go through a number of cells, through roughers and cleaners. Q. Do you recall how large the flotation tanks were at the West Windsor Mill? A. I don't. Q. And reagents or chemicals were added to the slurry, and that slurry is the talc ore plus water plus chemicals, correct? A. Yes. Q. And you referred to MIBC? A. I think that's what it was.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	part of the flotation process at the West Windsor Mill? A. Based on my recollection, it was MIBC. I'm just drawing a blank on what that stands for right now. Q. It was a flotation process that took place at Windsor. And what was the purpose of that flotation process? A. Generally speaking, froth flotation is a beneficiation process by which minerals can be separated based on physical characteristics that can be — based on the difference of physical characteristics of the minerals that can be exploited by chemistry, so to speak. You create a slurry of the crushed and milled to a liberation point of the minerals. So first of all, you have to make sure that the minerals are broken up enough and liberated so that one's not going to drag.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yeah. To remove the gangue minerals. Q. And what I can't hear what you're saying. A. Gangue, g-a-n-g-u-e. Q. How does that long does that frothing process, moving from tank to tank, typically take? A. I don't recall, for the Windsor plant, how long that takes. It would go through a number of cells, through roughers and cleaners. Q. Do you recall how large the flotation tanks were at the West Windsor Mill? A. I don't. Q. And reagents or chemicals were added to the slurry, and that slurry is the talc ore plus water plus chemicals, correct? A. Yes. Q. And you referred to MIBC?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	part of the flotation process at the West Windsor Mill? A. Based on my recollection, it was MIBC. I'm just drawing a blank on what that stands for right now. Q. It was a flotation process that took place at Windsor. And what was the purpose of that flotation process? A. Generally speaking, froth flotation is a beneficiation process by which minerals can be separated based on physical characteristics that can be — based on the difference of physical characteristics of the minerals that can be exploited by chemistry, so to speak. You create a slurry of the crushed and milled to a liberation point of the minerals. So first of all, you have to make sure that the minerals are broken up enough and liberated so that one's not going to drag. They're still not attached. That's what	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yeah. To remove the gangue minerals. Q. And what I can't hear what you're saying. A. Gangue, g-a-n-g-u-e. Q. How does that long does that frothing process, moving from tank to tank, typically take? A. I don't recall, for the Windsor plant, how long that takes. It would go through a number of cells, through roughers and cleaners. Q. Do you recall how large the flotation tanks were at the West Windsor Mill? A. I don't. Q. And reagents or chemicals were added to the slurry, and that slurry is the talc ore plus water plus chemicals, correct? A. Yes. Q. And you referred to MIBC? A. I think that's what it was. Q. Are you familiar with methyl isobutyl carbinol?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	part of the flotation process at the West Windsor Mill? A. Based on my recollection, it was MIBC. I'm just drawing a blank on what that stands for right now. Q. It was a flotation process that took place at Windsor. And what was the purpose of that flotation process? A. Generally speaking, froth flotation is a beneficiation process by which minerals can be separated based on physical characteristics that can be — based on the difference of physical characteristics of the minerals that can be exploited by chemistry, so to speak. You create a slurry of the crushed and milled to a liberation point of the minerals. So first of all, you have to make sure that the minerals are broken up enough and liberated so that one's not going to drag. They're still not attached. That's what "liberation" means.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yeah. To remove the gangue minerals. Q. And what I can't hear what you're saying. A. Gangue, g-a-n-g-u-e. Q. How does that long does that frothing process, moving from tank to tank, typically take? A. I don't recall, for the Windsor plant, how long that takes. It would go through a number of cells, through roughers and cleaners. Q. Do you recall how large the flotation tanks were at the West Windsor Mill? A. I don't. Q. And reagents or chemicals were added to the slurry, and that slurry is the talc ore plus water plus chemicals, correct? A. Yes. Q. And you referred to MIBC? A. I think that's what it was. Q. Are you familiar with methyl isobutyl carbinol? A. That sounds familiar.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	part of the flotation process at the West Windsor Mill? A. Based on my recollection, it was MIBC. I'm just drawing a blank on what that stands for right now. Q. It was a flotation process that took place at Windsor. And what was the purpose of that flotation process? A. Generally speaking, froth flotation is a beneficiation process by which minerals can be separated based on physical characteristics that can be based on the difference of physical characteristics of the minerals that can be exploited by chemistry, so to speak. You create a slurry of the crushed and milled to a liberation point of the minerals. So first of all, you have to make sure that the minerals are broken up enough and liberated so that one's not going to drag. They're still not attached. That's what "liberation" means. And so you make a slurry of the minerals	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yeah. To remove the gangue minerals. Q. And what I can't hear what you're saying. A. Gangue, g-a-n-g-u-e. Q. How does that long does that frothing process, moving from tank to tank, typically take? A. I don't recall, for the Windsor plant, how long that takes. It would go through a number of cells, through roughers and cleaners. Q. Do you recall how large the flotation tanks were at the West Windsor Mill? A. I don't. Q. And reagents or chemicals were added to the slurry, and that slurry is the talc ore plus water plus chemicals, correct? A. Yes. Q. And you referred to MIBC? A. I think that's what it was. Q. Are you familiar with methyl isobutyl carbinol?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	part of the flotation process at the West Windsor Mill? A. Based on my recollection, it was MIBC. I'm just drawing a blank on what that stands for right now. Q. It was a flotation process that took place at Windsor. And what was the purpose of that flotation process? A. Generally speaking, froth flotation is a beneficiation process by which minerals can be separated based on physical characteristics that can be — based on the difference of physical characteristics of the minerals that can be exploited by chemistry, so to speak. You create a slurry of the crushed and milled to a liberation point of the minerals. So first of all, you have to make sure that the minerals are broken up enough and liberated so that one's not going to drag. They're still not attached. That's what "liberation" means.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yeah. To remove the gangue minerals. Q. And what I can't hear what you're saying. A. Gangue, g-a-n-g-u-e. Q. How does that long does that frothing process, moving from tank to tank, typically take? A. I don't recall, for the Windsor plant, how long that takes. It would go through a number of cells, through roughers and cleaners. Q. Do you recall how large the flotation tanks were at the West Windsor Mill? A. I don't. Q. And reagents or chemicals were added to the slurry, and that slurry is the talc ore plus water plus chemicals, correct? A. Yes. Q. And you referred to MIBC? A. I think that's what it was. Q. Are you familiar with methyl isobutyl carbinol? A. That sounds familiar.

37 (Pages 400 to 403)

	Page 404		Page 406
1	Q. Is there also a collection agent used	1	in the talc ore that was being processed at the
2	to, you know, make the talc adhere or collect?	2	West Windsor facility, certainly one of the
3	A. Well, talc is it's a unique mineral.	3	purposes of that beneficiation process would be to
4	And it's kind of a natural floater. So you don't	4	remove any fibrous material.
5	need my general understanding and I'm not	5	MR. PROST: Object to form.
6	I'm not skilled in the art of flotation, so to	6	Q. (By Ms. O'Dell) True?
7	speak, but I know generally how it works.	7	A. I don't recall whether or not that could
8	But I think that it doesn't take much of the	8	be done. My understanding is that the ore control
9	MIBC to enhance the separation.	9	began with selective mining, and then we increased
10	Q. What efforts did you undertake to	10	the purity of the talc at the flotation
11	familiarize yourself with the West Windsor process	11	
12	*	12	concentrator, but I'm generally not aware of
	in preparation for your deposition today?	13	whether or not it was the intent of the flotation
13	A. I had reviewed other materials earlier		process, so I don't know.
14	this year about flotation about West Windsor.	14	Q. The flotation process was intended to
15	Q. And just to verify, you don't use a	15	remove contaminants. We've agreed on that?
16	it's your understanding that a collection agent is	16	A. To remove the gangue minerals. To
17	not used as a part of the Windsor froth flotation	17	generally increase the purity of the talc.
18	process?	18	Q. To remove the unwanted minerals?
19	A. I'm going off my memory. I don't recall	19	A. Yeah.
20	if there were other reagents used.	20	Q. And certainly asbestos was in the ore
21	Q. Do you know if there are any other	21	itself. Was it one of the purposes of the
22	chemicals that were used as a part of the West	22	beneficiation process to remove material like that?
23	Windsor processing plant?	23	MR. PROST: Object to form.
24	A. In what regard? In flotation?	24	A. It might have, but it's my understanding
25	Q. Yeah. In terms of the flotation	25	that that was done with selective mining at the
	Page 405		Page 407
1	process let me ask a better question were	1	mining stage.
2	there any other chemicals added to the flotation	2	Q. (By Ms. O'Dell) And the only effort
3	process?	3	made to ensure that asbestos fibers were not a part
4	A. There might have been. I just don't	4	of the talc ore was selective mining, according to
5	recall. And they might have done testing on some.	5	your understanding?
6	Q. Who would have, either Imerys current or	6	MR. PROST: Objection.
7	former employee, information about the West Windsor	7	
8	Mill process?		A. Well, it's an imperstanding of the
9		8	A. Well, it's an understanding of the overall geology of the deposit that informs how
	•	-	overall geology of the deposit that informs how
	A. In terms of the chemistry or what	9	overall geology of the deposit that informs how selective mining is done.
10	A. In terms of the chemistry or what chemicals were used?	9	overall geology of the deposit that informs how selective mining is done. Q. (By Ms. O'Dell) So the answer to my
10 11	A. In terms of the chemistry or what chemicals were used? Q. Chemistry and also the you know, the	9 10 11	overall geology of the deposit that informs how selective mining is done. Q. (By Ms. O'Dell) So the answer to my question is "yes"?
10 11 12	A. In terms of the chemistry or what chemicals were used? Q. Chemistry and also the you know, the mechanics of the process, how it happened, the	9 10 11 12	overall geology of the deposit that informs how selective mining is done. Q. (By Ms. O'Dell) So the answer to my question is "yes"? MR. PROST: Object.
10 11 12 13	A. In terms of the chemistry or what chemicals were used? Q. Chemistry and also the you know, the mechanics of the process, how it happened, the machinery involved, the or equipment involved,	9 10 11 12	overall geology of the deposit that informs how selective mining is done. Q. (By Ms. O'Dell) So the answer to my question is "yes"? MR. PROST: Object. A. I don't know if I'm not familiar, and
10 11 12 13 14	A. In terms of the chemistry or what chemicals were used? Q. Chemistry and also the you know, the mechanics of the process, how it happened, the machinery involved, the or equipment involved, the chemicals that were involved in the process.	9 10 11 12 13	overall geology of the deposit that informs how selective mining is done. Q. (By Ms. O'Dell) So the answer to my question is "yes"? MR. PROST: Object. A. I don't know if I'm not familiar, and I don't know if flotation was intended to remove
10 11 12 13 14 15	A. In terms of the chemistry or what chemicals were used? Q. Chemistry and also the you know, the mechanics of the process, how it happened, the machinery involved, the or equipment involved, the chemicals that were involved in the process. A. That plant's been shut down. I spoke	9 10 11 12 13 14	overall geology of the deposit that informs how selective mining is done. Q. (By Ms. O'Dell) So the answer to my question is "yes"? MR. PROST: Object. A. I don't know if I'm not familiar, and I don't know if flotation was intended to remove asbestos, but to my knowledge, our products don't
10 11 12 13 14 15	A. In terms of the chemistry or what chemicals were used? Q. Chemistry and also the you know, the mechanics of the process, how it happened, the machinery involved, the or equipment involved, the chemicals that were involved in the process. A. That plant's been shut down. I spoke with Robin Reilly. She was familiar with,	9 10 11 12 13 14 15	overall geology of the deposit that informs how selective mining is done. Q. (By Ms. O'Dell) So the answer to my question is "yes"? MR. PROST: Object. A. I don't know if I'm not familiar, and I don't know if flotation was intended to remove asbestos, but to my knowledge, our products don't contain asbestos, so
10 11 12 13 14 15 16	A. In terms of the chemistry or what chemicals were used? Q. Chemistry and also the you know, the mechanics of the process, how it happened, the machinery involved, the or equipment involved, the chemicals that were involved in the process. A. That plant's been shut down. I spoke with Robin Reilly. She was familiar with, generally, flow sheet of it, but her role was over	9 10 11 12 13 14 15 16	overall geology of the deposit that informs how selective mining is done. Q. (By Ms. O'Dell) So the answer to my question is "yes"? MR. PROST: Object. A. I don't know if I'm not familiar, and I don't know if flotation was intended to remove asbestos, but to my knowledge, our products don't contain asbestos, so Q. (By Ms. O'Dell) Let me ask you to take
10 11 12 13 14 15 16 17	A. In terms of the chemistry or what chemicals were used? Q. Chemistry and also the you know, the mechanics of the process, how it happened, the machinery involved, the or equipment involved, the chemicals that were involved in the process. A. That plant's been shut down. I spoke with Robin Reilly. She was familiar with, generally, flow sheet of it, but her role was over at Ludlow where she was testing samples that had	9 10 11 12 13 14 15 16 17	overall geology of the deposit that informs how selective mining is done. Q. (By Ms. O'Dell) So the answer to my question is "yes"? MR. PROST: Object. A. I don't know if I'm not familiar, and I don't know if flotation was intended to remove asbestos, but to my knowledge, our products don't contain asbestos, so Q. (By Ms. O'Dell) Let me ask you to take a look at what I'm marking as Exhibit 49.
10 11 12 13 14 15 16 17 18	A. In terms of the chemistry or what chemicals were used? Q. Chemistry and also the you know, the mechanics of the process, how it happened, the machinery involved, the or equipment involved, the chemicals that were involved in the process. A. That plant's been shut down. I spoke with Robin Reilly. She was familiar with, generally, flow sheet of it, but her role was over at Ludlow where she was testing samples that had come from West Windsor.	9 10 11 12 13 14 15 16 17 18	overall geology of the deposit that informs how selective mining is done. Q. (By Ms. O'Dell) So the answer to my question is "yes"? MR. PROST: Object. A. I don't know if I'm not familiar, and I don't know if flotation was intended to remove asbestos, but to my knowledge, our products don't contain asbestos, so Q. (By Ms. O'Dell) Let me ask you to take a look at what I'm marking as Exhibit 49. (Exhibit 49 was marked for identification.)
10 11 12 13 14 15 16 17 18 19 20	A. In terms of the chemistry or what chemicals were used? Q. Chemistry and also the you know, the mechanics of the process, how it happened, the machinery involved, the or equipment involved, the chemicals that were involved in the process. A. That plant's been shut down. I spoke with Robin Reilly. She was familiar with, generally, flow sheet of it, but her role was over at Ludlow where she was testing samples that had come from West Windsor. Q. Was hydrochloric acid a chemical that	9 10 11 12 13 14 15 16 17 18 19 20	overall geology of the deposit that informs how selective mining is done. Q. (By Ms. O'Dell) So the answer to my question is "yes"? MR. PROST: Object. A. I don't know if I'm not familiar, and I don't know if flotation was intended to remove asbestos, but to my knowledge, our products don't contain asbestos, so Q. (By Ms. O'Dell) Let me ask you to take a look at what I'm marking as Exhibit 49. (Exhibit 49 was marked for identification.) Q. (By Ms. O'Dell) This is a PowerPoint
10 11 12 13 14 15 16 17 18 19 20 21	A. In terms of the chemistry or what chemicals were used? Q. Chemistry and also the you know, the mechanics of the process, how it happened, the machinery involved, the or equipment involved, the chemicals that were involved in the process. A. That plant's been shut down. I spoke with Robin Reilly. She was familiar with, generally, flow sheet of it, but her role was over at Ludlow where she was testing samples that had come from West Windsor. Q. Was hydrochloric acid a chemical that was used in the process, to your knowledge?	9 10 11 12 13 14 15 16 17 18 19 20 21	overall geology of the deposit that informs how selective mining is done. Q. (By Ms. O'Dell) So the answer to my question is "yes"? MR. PROST: Object. A. I don't know if I'm not familiar, and I don't know if flotation was intended to remove asbestos, but to my knowledge, our products don't contain asbestos, so Q. (By Ms. O'Dell) Let me ask you to take a look at what I'm marking as Exhibit 49. (Exhibit 49 was marked for identification.) Q. (By Ms. O'Dell) This is a PowerPoint presentation, IMERYS 3081025.
10 11 12 13 14 15 16 17 18 19 20 21 22	A. In terms of the chemistry or what chemicals were used? Q. Chemistry and also the you know, the mechanics of the process, how it happened, the machinery involved, the or equipment involved, the chemicals that were involved in the process. A. That plant's been shut down. I spoke with Robin Reilly. She was familiar with, generally, flow sheet of it, but her role was over at Ludlow where she was testing samples that had come from West Windsor. Q. Was hydrochloric acid a chemical that was used in the process, to your knowledge? A. I don't recall.	9 10 11 12 13 14 15 16 17 18 19 20 21 22	overall geology of the deposit that informs how selective mining is done. Q. (By Ms. O'Dell) So the answer to my question is "yes"? MR. PROST: Object. A. I don't know if I'm not familiar, and I don't know if flotation was intended to remove asbestos, but to my knowledge, our products don't contain asbestos, so Q. (By Ms. O'Dell) Let me ask you to take a look at what I'm marking as Exhibit 49. (Exhibit 49 was marked for identification.) Q. (By Ms. O'Dell) This is a PowerPoint presentation, IMERYS 3081025. And if you'll turn well, first, before I
10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. In terms of the chemistry or what chemicals were used? Q. Chemistry and also the you know, the mechanics of the process, how it happened, the machinery involved, the or equipment involved, the chemicals that were involved in the process. A. That plant's been shut down. I spoke with Robin Reilly. She was familiar with, generally, flow sheet of it, but her role was over at Ludlow where she was testing samples that had come from West Windsor. Q. Was hydrochloric acid a chemical that was used in the process, to your knowledge? A. I don't recall. Q. Let me ask you to turn back to	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	overall geology of the deposit that informs how selective mining is done. Q. (By Ms. O'Dell) So the answer to my question is "yes"? MR. PROST: Object. A. I don't know if I'm not familiar, and I don't know if flotation was intended to remove asbestos, but to my knowledge, our products don't contain asbestos, so Q. (By Ms. O'Dell) Let me ask you to take a look at what I'm marking as Exhibit 49. (Exhibit 49 was marked for identification.) Q. (By Ms. O'Dell) This is a PowerPoint presentation, IMERYS 3081025. And if you'll turn well, first, before I ask you to do that, this is a PowerPoint
10 11 12 13 14 15 16 17 18 19 20 21 22	A. In terms of the chemistry or what chemicals were used? Q. Chemistry and also the you know, the mechanics of the process, how it happened, the machinery involved, the or equipment involved, the chemicals that were involved in the process. A. That plant's been shut down. I spoke with Robin Reilly. She was familiar with, generally, flow sheet of it, but her role was over at Ludlow where she was testing samples that had come from West Windsor. Q. Was hydrochloric acid a chemical that was used in the process, to your knowledge? A. I don't recall.	9 10 11 12 13 14 15 16 17 18 19 20 21 22	overall geology of the deposit that informs how selective mining is done. Q. (By Ms. O'Dell) So the answer to my question is "yes"? MR. PROST: Object. A. I don't know if I'm not familiar, and I don't know if flotation was intended to remove asbestos, but to my knowledge, our products don't contain asbestos, so Q. (By Ms. O'Dell) Let me ask you to take a look at what I'm marking as Exhibit 49. (Exhibit 49 was marked for identification.) Q. (By Ms. O'Dell) This is a PowerPoint presentation, IMERYS 3081025. And if you'll turn well, first, before I

38 (Pages 404 to 407)

	Page 408		Page 410
1	A. That's what the cover page indicates.	1	them.
2	Q. And I'd ask you to turn to page Bates	2	Q. Okay. And fair enough. Let me ask you
3	ending 030. Sorry. I pulled the wrong page.	3	to turn to page ending 081043, ending 43. Are you
4	Excuse me. 032.	4	on the page, sir? "Talc Beneficiation," do you see
5	A. Can you give me a moment to familiarize	5	that? Then it has, second bullet, "Rejection of
6	myself? (Document reviewed.)	6	fibrous minerals"; do you see that?
7	Q. Have you seen this PowerPoint before?	7	A. Yes.
8	A. No. Well, some of it seems repetitive	8	Q. "Can be selectively rejected and levels
9	to one of the other ones we just saw, but I haven't	9	reduced by flotation and manual sorting, but they
10	seen this particular one.	10	cannot be eliminated to meet cosmetic standards";
11	Q. Okay. Turn to 032. Do you see that?	11	do you see that?
12	The title of the slide is "Talc of Ultramafic	12	MR. PROST: Object to form.
13	Origin." And Mr. McCarthy lists Vermont as having	13	A. That's what it says.
14	talc of that type.	14	Q. (By Ms. O'Dell) That's right.
15	We agree on that, don't we?	15	And in this in the context of Imerys'
16	A. Yes.	16	supply of talc for purposes of Johnson & Johnson's
17	Q. And he says, "Talc of Ultramafic	17	talcum-powder products, West Windsor would be a
18	Origin," last bullet, should "Not be used for	18	flotation process, true?
19	cosmetics unless beneficiated by flotation"; do you	19	MR. PROST: Object to form.
20	see that?	20	A. Yes.
21	MR. PROST: Object to form.	21	Q. (By Ms. O'Dell) The Chinese mines would
22	A. That's what it says.	22	be a manual sorting beneficiation process, true?
23	MR. PROST: Well, to be clear, the word	23	A. Sorting and screening is what we
24	"should" not be used. The word "should" was not in	24	discussed.
25	there.	25	Q. Okay. And that's China, true?
	Daga 400		
	Page 409		Page 411
1		1	Page 411 A. Pardon?
1 2	Q. (By Ms. O'Dell) Okay. It says, "Not used for cosmetics unless beneficiated by	1 2	A. Pardon?
	Q. (By Ms. O'Dell) Okay. It says, "Not		
2	Q. (By Ms. O'Dell) Okay. It says, "Not used for cosmetics unless beneficiated by	2	A. Pardon? Q. That's in China, correct?
2	Q. (By Ms. O'Dell) Okay. It says, "Not used for cosmetics unless beneficiated by flotation."	2	A. Pardon? Q. That's in China, correct? A. Well, in China. I don't know if he's specifically referencing that, but I think he's
2 3 4	Q. (By Ms. O'Dell) Okay. It says, "Not used for cosmetics unless beneficiated by flotation." A. That's what it says.	2 3 4	A. Pardon?Q. That's in China, correct?A. Well, in China. I don't know if he's
2 3 4 5	Q. (By Ms. O'Dell) Okay. It says, "Not used for cosmetics unless beneficiated by flotation." A. That's what it says. Q. Is that fair?	2 3 4 5	A. Pardon? Q. That's in China, correct? A. Well, in China. I don't know if he's specifically referencing that, but I think he's making general statements about beneficiation.
2 3 4 5 6	Q. (By Ms. O'Dell) Okay. It says, "Not used for cosmetics unless beneficiated by flotation." A. That's what it says. Q. Is that fair? And we've been talking about the flotation	2 3 4 5 6	A. Pardon? Q. That's in China, correct? A. Well, in China. I don't know if he's specifically referencing that, but I think he's making general statements about beneficiation. Q. But the process the beneficiation
2 3 4 5 6 7	Q. (By Ms. O'Dell) Okay. It says, "Not used for cosmetics unless beneficiated by flotation." A. That's what it says. Q. Is that fair? And we've been talking about the flotation process at Vermont, and that's West Windsor, true?	2 3 4 5 6 7	A. Pardon? Q. That's in China, correct? A. Well, in China. I don't know if he's specifically referencing that, but I think he's making general statements about beneficiation. Q. But the process the beneficiation process in China is manual sorting, correct?
2 3 4 5 6 7 8	Q. (By Ms. O'Dell) Okay. It says, "Not used for cosmetics unless beneficiated by flotation." A. That's what it says. Q. Is that fair? And we've been talking about the flotation process at Vermont, and that's West Windsor, true? A. Yes.	2 3 4 5 6 7 8	A. Pardon? Q. That's in China, correct? A. Well, in China. I don't know if he's specifically referencing that, but I think he's making general statements about beneficiation. Q. But the process the beneficiation process in China is manual sorting, correct? MR. PROST: Object to form.
2 3 4 5 6 7 8 9	Q. (By Ms. O'Dell) Okay. It says, "Not used for cosmetics unless beneficiated by flotation." A. That's what it says. Q. Is that fair? And we've been talking about the flotation process at Vermont, and that's West Windsor, true? A. Yes. Q. And so according to Mr. McCarthy,	2 3 4 5 6 7 8	A. Pardon? Q. That's in China, correct? A. Well, in China. I don't know if he's specifically referencing that, but I think he's making general statements about beneficiation. Q. But the process the beneficiation process in China is manual sorting, correct? MR. PROST: Object to form. A. Beneficiation process in China, as we
2 3 4 5 6 7 8 9	Q. (By Ms. O'Dell) Okay. It says, "Not used for cosmetics unless beneficiated by flotation." A. That's what it says. Q. Is that fair? And we've been talking about the flotation process at Vermont, and that's West Windsor, true? A. Yes. Q. And so according to Mr. McCarthy, that if you use talc for Vermont and use the	2 3 4 5 6 7 8 9	A. Pardon? Q. That's in China, correct? A. Well, in China. I don't know if he's specifically referencing that, but I think he's making general statements about beneficiation. Q. But the process the beneficiation process in China is manual sorting, correct? MR. PROST: Object to form. A. Beneficiation process in China, as we discussed earlier, begins with selective mining in
2 3 4 5 6 7 8 9 10	Q. (By Ms. O'Dell) Okay. It says, "Not used for cosmetics unless beneficiated by flotation." A. That's what it says. Q. Is that fair? And we've been talking about the flotation process at Vermont, and that's West Windsor, true? A. Yes. Q. And so according to Mr. McCarthy, that if you use talc for Vermont and use the flotation process, then it appears he thinks that's	2 3 4 5 6 7 8 9 10	A. Pardon? Q. That's in China, correct? A. Well, in China. I don't know if he's specifically referencing that, but I think he's making general statements about beneficiation. Q. But the process the beneficiation process in China is manual sorting, correct? MR. PROST: Object to form. A. Beneficiation process in China, as we discussed earlier, begins with selective mining in the pit, and it also includes screening and manual
2 3 4 5 6 7 8 9 10 11 12	Q. (By Ms. O'Dell) Okay. It says, "Not used for cosmetics unless beneficiated by flotation." A. That's what it says. Q. Is that fair? And we've been talking about the flotation process at Vermont, and that's West Windsor, true? A. Yes. Q. And so according to Mr. McCarthy, that if you use talc for Vermont and use the flotation process, then it appears he thinks that's okay for cosmetics	2 3 4 5 6 7 8 9 10 11	A. Pardon? Q. That's in China, correct? A. Well, in China. I don't know if he's specifically referencing that, but I think he's making general statements about beneficiation. Q. But the process the beneficiation process in China is manual sorting, correct? MR. PROST: Object to form. A. Beneficiation process in China, as we discussed earlier, begins with selective mining in the pit, and it also includes screening and manual sorting.
2 3 4 5 6 7 8 9 10 11 12 13	Q. (By Ms. O'Dell) Okay. It says, "Not used for cosmetics unless beneficiated by flotation." A. That's what it says. Q. Is that fair? And we've been talking about the flotation process at Vermont, and that's West Windsor, true? A. Yes. Q. And so according to Mr. McCarthy, that if you use talc for Vermont and use the flotation process, then it appears he thinks that's okay for cosmetics MR. PROST: Object to form. Q. (By Ms. O'Dell) is that a fair summary?	2 3 4 5 6 7 8 9 10 11 12 13	A. Pardon? Q. That's in China, correct? A. Well, in China. I don't know if he's specifically referencing that, but I think he's making general statements about beneficiation. Q. But the process the beneficiation process in China is manual sorting, correct? MR. PROST: Object to form. A. Beneficiation process in China, as we discussed earlier, begins with selective mining in the pit, and it also includes screening and manual sorting. Q. (By Ms. O'Dell) And according to Mr. McCarthy, these procedures, flotation and manual sorting, cannot eliminate fibrous minerals
2 3 4 5 6 7 8 9 10 11 12 13	Q. (By Ms. O'Dell) Okay. It says, "Not used for cosmetics unless beneficiated by flotation." A. That's what it says. Q. Is that fair? And we've been talking about the flotation process at Vermont, and that's West Windsor, true? A. Yes. Q. And so according to Mr. McCarthy, that if you use talc for Vermont and use the flotation process, then it appears he thinks that's okay for cosmetics MR. PROST: Object to form. Q. (By Ms. O'Dell) is that a fair summary? A. You're putting words in his mouth.	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Pardon? Q. That's in China, correct? A. Well, in China. I don't know if he's specifically referencing that, but I think he's making general statements about beneficiation. Q. But the process the beneficiation process in China is manual sorting, correct? MR. PROST: Object to form. A. Beneficiation process in China, as we discussed earlier, begins with selective mining in the pit, and it also includes screening and manual sorting. Q. (By Ms. O'Dell) And according to Mr. McCarthy, these procedures, flotation and
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. (By Ms. O'Dell) Okay. It says, "Not used for cosmetics unless beneficiated by flotation." A. That's what it says. Q. Is that fair? And we've been talking about the flotation process at Vermont, and that's West Windsor, true? A. Yes. Q. And so according to Mr. McCarthy, that if you use talc for Vermont and use the flotation process, then it appears he thinks that's okay for cosmetics MR. PROST: Object to form. Q. (By Ms. O'Dell) is that a fair summary? A. You're putting words in his mouth. I'm I'm I don't know what you mean by that.	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Pardon? Q. That's in China, correct? A. Well, in China. I don't know if he's specifically referencing that, but I think he's making general statements about beneficiation. Q. But the process the beneficiation process in China is manual sorting, correct? MR. PROST: Object to form. A. Beneficiation process in China, as we discussed earlier, begins with selective mining in the pit, and it also includes screening and manual sorting. Q. (By Ms. O'Dell) And according to Mr. McCarthy, these procedures, flotation and manual sorting, cannot eliminate fibrous minerals
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. (By Ms. O'Dell) Okay. It says, "Not used for cosmetics unless beneficiated by flotation." A. That's what it says. Q. Is that fair? And we've been talking about the flotation process at Vermont, and that's West Windsor, true? A. Yes. Q. And so according to Mr. McCarthy, that if you use talc for Vermont and use the flotation process, then it appears he thinks that's okay for cosmetics MR. PROST: Object to form. Q. (By Ms. O'Dell) is that a fair summary? A. You're putting words in his mouth. I'm I'm I don't know what you mean by that. Q. Okay. Well, I'm just saying, not	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Pardon? Q. That's in China, correct? A. Well, in China. I don't know if he's specifically referencing that, but I think he's making general statements about beneficiation. Q. But the process the beneficiation process in China is manual sorting, correct? MR. PROST: Object to form. A. Beneficiation process in China, as we discussed earlier, begins with selective mining in the pit, and it also includes screening and manual sorting. Q. (By Ms. O'Dell) And according to Mr. McCarthy, these procedures, flotation and manual sorting, cannot eliminate fibrous minerals to meet cosmetic standards
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. (By Ms. O'Dell) Okay. It says, "Not used for cosmetics unless beneficiated by flotation." A. That's what it says. Q. Is that fair? And we've been talking about the flotation process at Vermont, and that's West Windsor, true? A. Yes. Q. And so according to Mr. McCarthy, that if you use talc for Vermont and use the flotation process, then it appears he thinks that's okay for cosmetics MR. PROST: Object to form. Q. (By Ms. O'Dell) is that a fair summary? A. You're putting words in his mouth. I'm I'm I don't know what you mean by that. Q. Okay. Well, I'm just saying, not that ultramafic talc of ultramafic origin, he	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Pardon? Q. That's in China, correct? A. Well, in China. I don't know if he's specifically referencing that, but I think he's making general statements about beneficiation. Q. But the process the beneficiation process in China is manual sorting, correct? MR. PROST: Object to form. A. Beneficiation process in China, as we discussed earlier, begins with selective mining in the pit, and it also includes screening and manual sorting. Q. (By Ms. O'Dell) And according to Mr. McCarthy, these procedures, flotation and manual sorting, cannot eliminate fibrous minerals to meet cosmetic standards MR. PROST: Object to form. Q. (By Ms. O'Dell) isn't that the import of that bullet in this PowerPoint?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. (By Ms. O'Dell) Okay. It says, "Not used for cosmetics unless beneficiated by flotation." A. That's what it says. Q. Is that fair? And we've been talking about the flotation process at Vermont, and that's West Windsor, true? A. Yes. Q. And so according to Mr. McCarthy, that if you use talc for Vermont and use the flotation process, then it appears he thinks that's okay for cosmetics MR. PROST: Object to form. Q. (By Ms. O'Dell) is that a fair summary? A. You're putting words in his mouth. I'm I'm I don't know what you mean by that. Q. Okay. Well, I'm just saying, not that ultramafic talc of ultramafic origin, he says, "Not used for cosmetics unless beneficiated	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Pardon? Q. That's in China, correct? A. Well, in China. I don't know if he's specifically referencing that, but I think he's making general statements about beneficiation. Q. But the process the beneficiation process in China is manual sorting, correct? MR. PROST: Object to form. A. Beneficiation process in China, as we discussed earlier, begins with selective mining in the pit, and it also includes screening and manual sorting. Q. (By Ms. O'Dell) And according to Mr. McCarthy, these procedures, flotation and manual sorting, cannot eliminate fibrous minerals to meet cosmetic standards MR. PROST: Object to form. Q. (By Ms. O'Dell) isn't that the import of that bullet in this PowerPoint? MR. PROST: Objection.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. (By Ms. O'Dell) Okay. It says, "Not used for cosmetics unless beneficiated by flotation." A. That's what it says. Q. Is that fair? And we've been talking about the flotation process at Vermont, and that's West Windsor, true? A. Yes. Q. And so according to Mr. McCarthy, that if you use talc for Vermont and use the flotation process, then it appears he thinks that's okay for cosmetics MR. PROST: Object to form. Q. (By Ms. O'Dell) is that a fair summary? A. You're putting words in his mouth. I'm I'm I don't know what you mean by that. Q. Okay. Well, I'm just saying, not that ultramafic talc of ultramafic origin, he says, "Not used for cosmetics unless beneficiated by flotation"?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Pardon? Q. That's in China, correct? A. Well, in China. I don't know if he's specifically referencing that, but I think he's making general statements about beneficiation. Q. But the process the beneficiation process in China is manual sorting, correct? MR. PROST: Object to form. A. Beneficiation process in China, as we discussed earlier, begins with selective mining in the pit, and it also includes screening and manual sorting. Q. (By Ms. O'Dell) And according to Mr. McCarthy, these procedures, flotation and manual sorting, cannot eliminate fibrous minerals to meet cosmetic standards MR. PROST: Object to form. Q. (By Ms. O'Dell) isn't that the import of that bullet in this PowerPoint? MR. PROST: Objection. A. He said that, but in the context of what
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. (By Ms. O'Dell) Okay. It says, "Not used for cosmetics unless beneficiated by flotation." A. That's what it says. Q. Is that fair? And we've been talking about the flotation process at Vermont, and that's West Windsor, true? A. Yes. Q. And so according to Mr. McCarthy, that if you use talc for Vermont and use the flotation process, then it appears he thinks that's okay for cosmetics MR. PROST: Object to form. Q. (By Ms. O'Dell) is that a fair summary? A. You're putting words in his mouth. I'm I'm I don't know what you mean by that. Q. Okay. Well, I'm just saying, not that ultramafic talc of ultramafic origin, he says, "Not used for cosmetics unless beneficiated by flotation"? A. Well, the ultramafic talc deposits are,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Pardon? Q. That's in China, correct? A. Well, in China. I don't know if he's specifically referencing that, but I think he's making general statements about beneficiation. Q. But the process the beneficiation process in China is manual sorting, correct? MR. PROST: Object to form. A. Beneficiation process in China, as we discussed earlier, begins with selective mining in the pit, and it also includes screening and manual sorting. Q. (By Ms. O'Dell) And according to Mr. McCarthy, these procedures, flotation and manual sorting, cannot eliminate fibrous minerals to meet cosmetic standards MR. PROST: Object to form. Q. (By Ms. O'Dell) isn't that the import of that bullet in this PowerPoint? MR. PROST: Objection. A. He said that, but in the context of what type of deposit he's specifically talking about,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. (By Ms. O'Dell) Okay. It says, "Not used for cosmetics unless beneficiated by flotation." A. That's what it says. Q. Is that fair? And we've been talking about the flotation process at Vermont, and that's West Windsor, true? A. Yes. Q. And so according to Mr. McCarthy, that if you use talc for Vermont and use the flotation process, then it appears he thinks that's okay for cosmetics MR. PROST: Object to form. Q. (By Ms. O'Dell) is that a fair summary? A. You're putting words in his mouth. I'm I'm I don't know what you mean by that. Q. Okay. Well, I'm just saying, not that ultramafic talc of ultramafic origin, he says, "Not used for cosmetics unless beneficiated by flotation"? A. Well, the ultramafic talc deposits are, you know, somewhere around 50 percent talc, so, by	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Pardon? Q. That's in China, correct? A. Well, in China. I don't know if he's specifically referencing that, but I think he's making general statements about beneficiation. Q. But the process the beneficiation process in China is manual sorting, correct? MR. PROST: Object to form. A. Beneficiation process in China, as we discussed earlier, begins with selective mining in the pit, and it also includes screening and manual sorting. Q. (By Ms. O'Dell) And according to Mr. McCarthy, these procedures, flotation and manual sorting, cannot eliminate fibrous minerals to meet cosmetic standards MR. PROST: Object to form. Q. (By Ms. O'Dell) isn't that the import of that bullet in this PowerPoint? MR. PROST: Objection. A. He said that, but in the context of what type of deposit he's specifically talking about, the variation or the different types of deposit,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. (By Ms. O'Dell) Okay. It says, "Not used for cosmetics unless beneficiated by flotation." A. That's what it says. Q. Is that fair? And we've been talking about the flotation process at Vermont, and that's West Windsor, true? A. Yes. Q. And so according to Mr. McCarthy, that if you use talc for Vermont and use the flotation process, then it appears he thinks that's okay for cosmetics MR. PROST: Object to form. Q. (By Ms. O'Dell) is that a fair summary? A. You're putting words in his mouth. I'm I'm I don't know what you mean by that. Q. Okay. Well, I'm just saying, not that ultramafic talc of ultramafic origin, he says, "Not used for cosmetics unless beneficiated by flotation"? A. Well, the ultramafic talc deposits are,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Pardon? Q. That's in China, correct? A. Well, in China. I don't know if he's specifically referencing that, but I think he's making general statements about beneficiation. Q. But the process the beneficiation process in China is manual sorting, correct? MR. PROST: Object to form. A. Beneficiation process in China, as we discussed earlier, begins with selective mining in the pit, and it also includes screening and manual sorting. Q. (By Ms. O'Dell) And according to Mr. McCarthy, these procedures, flotation and manual sorting, cannot eliminate fibrous minerals to meet cosmetic standards MR. PROST: Object to form. Q. (By Ms. O'Dell) isn't that the import of that bullet in this PowerPoint? MR. PROST: Objection. A. He said that, but in the context of what type of deposit he's specifically talking about,

39 (Pages 408 to 411)

1 And you need to consider the differences in the geology of the talc deposits and the differences in how it's mined. 2 how it's mined. 3 how it's mined. 4 Taken on its face, I would I don't know why he was stating this because, for years and years and years and years, we made cosmetic-grade product from West Windsor and also from Houston. So and I know that Ed is well aware of that. So I don't meant here. 1 Q. (By Ms. O'Dell) He is technical director at Imerys when he's writing this powerpoint. And he states that and he's referring to fibrous minerals "Can be selectively rejected and levels reduced by 15 selectively rejected and levels reduced by 16 flotation and manual sorting, but they," referring 17 to fibrous minerals, "cannot be eliminated to meet cosmetic standards," correct? It's what he states. 19 It's what he states, correct? 19 MR. PROST: Objection. 20 document. He stated it that way. I don't disagree that he used those words on this page. I don't 24 understand the context by which he means, because I 24 that we can and did and continue to do produce cosmetic-grade talc at West Windsor as well as in Q. (By Ms. O'Dell) He goes on to say, "Only strong acid digestion, which is not an C. (By Ms. Scott) Did you speak to any one page thought of the many specifics that I test you know. 1 Carmen Scott. We met yesterday. I am also representing the plaintiffs in this action. I'm going to ask you a few questions this afterno I'm going to ask you a few questions this afterno I'm going to apologize for a couple of things. Time going to ask you a few questions this afterno I'm going to apologize for a couple of things. Time going to ask you a few questions this afterno I'm going to apologize for a couple of things. Time going to ask you a few questions this afterno I'm going to ask you a few questions this afterno I'm going to ask you a few questions this afterno I'm going to ask you a few questions this afterno I'm going to ask you a few questions this afterno I'm going to ask you a few questio	on. I oice is a own,
2 geology of the talc deposits and the differences in 3 how it's mined. 4 Taken on its face, I would I don't know 5 why he was stating this because, for years and 6 years and years, we made cosmetic-grade product 7 from West Windsor and also from Houston. So and 8 I know that Ed is well aware of the the states. 10 meant here. 11 Q. (By Ms. O'Dell) He is technical 12 director at Imerys when he's writing this 13 PowerPoint. And he states that and he's 14 referring to fibrous minerals "Can be 15 selectively rejected and levels reduced by 16 flotation and manual sorting, but they," referring 17 to fibrous minerals, "cannot be eliminated to meet 18 cosmetic standards," correct? It's what he states. 19 It's what he states, correct? 20 MR. PROST: Objection. 21 A. I think you're cherry-picking from a 22 document. He stated it that way. I don't disagree 23 that he used those words on this page. I don't 24 understand the context by which he means, because I 25 know that Mr. McCarthy was quite aware of the fact 26 cosmetic-grade talc at West Windsor as well as in 27 Houston. 28 BY MS. SCOTT: Q. Good aftermoon, Mr. Downey. My in Carmen Scott. We met yesterday. I am also representing the plaintiffs in this action. I'm going to apologize for a couple of things. apparently have a summer cold, and so my v little bit foggy. I also tend to speak quickly sometimes. If I do that, I understand you're a little hard of hearing, please ask me to slow of enunciate better, I will do all those things for you, okay? A. That sounds good. Thanks. Q. Let me start by asking you something we met here yesterday for your deposition, a were here for a long day, correct? A. Yes. Q. Did you speak to anyone last night regarding your testimony in this matter? MR. PROST: Objection. A. In terms of specifics? Q. (By Ms. Scott) In terms of yes, let's start with specifics. MR. PROST: Obviously, don't talk about with counsel. A. I told my wife how the day went, bu didn't tell her any specifics that I test you know.	on. I oice is a own,
A how it's mined. Taken on its face, I would I don't know why he was stating this because, for years and years and years, we made cosmetic-grade product from West Windsor and also from Houston. So and I know that Ed is well aware of that. So I don't know what he was saying with regards to what he meant here. Q (By Ms. O'Dell) He is technical director at Imerys when he's writing this referring to fibrous minerals "Can be selectively rejected and levels reduced by floatation and manual sorting, but they," referring for fibrous minerals, "cannot be eliminated to meet for birds what he states, correct? It's what he states. If's what he states, correct? A. I think you're cherry-picking from a document. He stated it that way. I don't disagree document. He stated it that way. I don't disagree that he used those words on this page. I don't understand the context by which he means, because I know that Mr. McCarthy was quite aware of the fact Page 413 A. I told my wife how the day went, but didn't tell her any specifics that I test you know. Q. (By Ms. O'Dell) He goes on to say, A Carmen Scott. We met yesterday. I am also representing the plaintiffs in this action. I'm going to ask you a few questions this afterion. T'm going to apologize for a couple of things. I'm going to apologize for a couple of things. I'm going to apologize for a couple of things. I'm going to apologize for a couple of things. I'm going to apologize for a couple of things. I'm going to apologize for a couple of things. I'm going to apologize for a couple of things. I'm going to apologize for a couple of things. I'm going to apologize for a couple of things. I'm going to apologize for a couple of things. I'm going to ablo you speak sto anyone last night regards power. Junderstand you're: It little hard of hearing, please ask me to slow of enunciate better, I will do all those things for you, okay? A. That sounds good. Thanks. Q. Let me start by asking you something, we met here yesterday for your deposition, a were	on. I oice is a own,
Taken on its face, I would — I don't know by why he was stating this because, for years and cyears and years, we made cosmetic-grade product from West Windsor and also from Houston. So — and I know that Ed is well aware of that. So I don't know what he was saying with regards to what he meant here. Cy (By Ms. O'Dell) He is technical director at Imerys when he's writing this powerPoint. And he states that — and he's flotation and manual sorting, but they," referring to fibrous minerals, "cannot be eliminated to meet scosmetic standards," correct? It's what he states. It's what he states, correct? It's what he states, correct? A. I think you're cherry-picking from a document. He stated it that way. I don't disagree that he used those words on this page. I don't and that we can and did and continue to do — produce cosmetic-grade talc at West Windsor as well as in Houston. 4 Carmen Scott. We met yesterday. I am also representing the plaintiffs in this action. I'm going to ask you a few questions. I'm going to apologize for a couple of things. Circle yellow applead to a pologize for a couple of things. I'm going to ask you a few questions. His afterion. I'm going to apologize for a couple of things. I'm going to apologize for a couple of things. Thing oing to apologize for a couple of things. I'm going to ask you a few questions. His afterion. I'm going to apologize for a couple of things. Thing oing to apologize for a couple of things. I'm going to apologize for a couple of things. I'm going to apologize for a couple of things. I'm going to apologize for a couple of things. I'm going to apologize for a couple of things. I'm going to apologize for a couple of things. I'm going to apologize for a couple of things. I'm going to apologize for a couple of things. I'm going to apologize for a couple of things. I'm going to apologize for a couple of things. Ititle hard of hearing, please ask me to slow of ititle hard of hearing, please ask me to slow of things. It do that, I understand	on. I oice is a own,
why he was stating this because, for years and years and years, we made cosmetic-grade product from West Windsor and also from Houston. So and l know that Ed is well aware of that. So I don't know what he was saying with regards to what he meant here. Q. (By Ms. O'Dell) He is technical director at Imerys when he's writing this howerPoint. And he states that and he's selectively rejected and levels reduced by flotation and manual sorting, but they," referring flotation and manual sorting, but they," referring lif's what he states, correct? It's what he states. If's what he states, correct? It's what he states. If's what he states, correct? A. I think you're cherry-picking from a comment. He stated it that way. I don't disagree that he used those words on this page. I don't understand the context by which he means, because I know that Mr. McCarthy was quite aware of the fact West Windsor and also from Houston. Why he was stating this deep day apparently have a summer cold, and so my v little bit foggy. I also tend to speak quickly sometimes. If I do that, I understand you're: little hard of hearing, please ask me to slow of enunciate better, I will do all those things for you, okay? A. That sounds good. Thanks. Q. Let me start by asking you something we met here yesterday for your deposition, a were here for a long day, correct? A. I think you're cherry-picking from a locument. He stated it that way. I don't disagree that he used those words on this page. I don't little hard of hearing, please ask me to slow of the page. I don't little hard of hearing, please ask me to slow of the page. I don't little hard of hearing, please ask me to slow of the page. I don't little hard of hearing, please ask me to slow of the page. I don't little hard of hearing, please ask me to slow of enunciate better, I will do all those things for you, okay? A. That sounds good. Thanks. Q. Let me start by asking you something we here yesterday for your deposition, a were here for a long day, correct? A. I tent me start by as	I pice is a own,
from West Windsor and also from Houston. So and I know that Ed is well aware of that. So I don't when there is well aware of that. So I don't when there is well aware of that. So I don't when the was saying with regards to what he meant here. Q. (By Ms. O'Dell) He is technical idrector at Imerys when he's writing this referring to fibrous minerals "Can be selectively rejected and levels reduced by flotation and manual sorting, but they," referring to fibrous minerals, "cannot be eliminated to meet cosmetic standards," correct? It's what he states. MR. PROST: Objection. A. I think you're cherry-picking from a document. He stated it that way. I don't disagree that he used those words on this page. I don't understand the context by which he means, because I know that Mr. McCarthy was quite aware of the fact Page 413 Page 413 going to ask you a few questions this afterno in my limits appoint to imposition at couple of things. I'm going to apologize for a couple of things. I'm going to apologize for a couple of things. I'm going to apologize for a couple of things. I'm going to apologize for a couple of things. I'm going to apologize for a couple of things. apparently have a summer cold, and so my vere little bit foggy. I also tend to speak quickly sometimes. If I do that, I understand you're a little bit foggy. I also tend to speak quickly sometimes. If I do that, I understand you're a little bit foggy. I also tend to speak quickly sometimes. If I do that, I understand you're a little bit foggy. I also tend to speak quickly sometimes. If I do that, I understand you're a little bit foggy. I also tend to speak quickly sometimes. If I do that, I understand you're a little bit foggy. I also tend to speak quickly sometimes. If I do that, I understand you're a little bit foggy. I also tend to speak quickly sometimes. If I do that, I understand you're a little bit foggy. I also tend to speak quickly sometimes. If I do that, I understand you're a little bit foggy. I also tend to speak quickly sometimes. If I do	I pice is a own,
from West Windsor and also from Houston. So and I know that Ed is well aware of that. So I don't know what he was saying with regards to what he meant here. 10 meant here. 11 Q. (By Ms. O'Dell) He is technical little hard of hearing, please ask me to slow of director at Imerys when he's writing this listle hard of hearing, please ask me to slow of enunciate better, I will do all those things for you, okay? 14 referring to fibrous minerals "Can be look of flotation and manual sorting, but they," referring to fibrous minerals, "cannot be eliminated to meet to fibrous minerals, "cannot be eliminated to meet cosmetic standards," correct? It's what he states. 19 It's what he states, correct? It's what he states. 19 It's what he states, correct? 18 cosmetic standards," correct? It's what he states. 19 It's what he states, correct? 20 MR. PROST: Objection. 21 A. I think you're cherry-picking from a document. He stated it that way. I don't disagree that he used those words on this page. I don't understand the context by which he means, because I know that Mr. McCarthy was quite aware of the fact Page 413 1 that we can and did and continue to do produce cosmetic-grade talc at West Windsor as well as in Houston. 4 Q. (By Ms. O'Dell) He goes on to say, 1 I'm going to apologize for a couple of things, apparently have a summer cold, and so my little bit foggy. I also tend to speak quickly sometimes. If I do that, I understand you're a little bit foggy. I also tend to speak quickly sometimes. If I do that, I understand you're a little bit foggy. I little bit	I pice is a own,
I know that Ed is well aware of that. So I don't know what he was saying with regards to what he meant here. Q. (By Ms. O'Dell) He is technical director at Imerys when he's writing this PowerPoint. And he states that and he's selectively rejected and levels reduced by flotation and manual sorting, but they," referring cosmetic standards, "cornect? It's what he states. It's what he states, correct? MR. PROST: Objection. A. I think you're cherry-picking from a document. He stated it that way. I don't disagree that he used those words on this page. I don't document. He stated it that way upute aware of the fact Page 413 I that we can and did and continue to do produce cosmetic-grade talc at West Windsor as well as in A. I told my wife how the day went, bu didn't tell her any specifics that I test you know.	own,
Selectively rejected and levels reduced by 16 flotation and manual sorting, but they," referring 17 to fibrous minerals, "cannot be eliminated to meet 18 cosmetic standards," correct? It's what he states. 19 It's what he states, correct? It's what he states. 19 It's what he states, correct? It's what he states. 19 It's what he states, correct? 19 MR. PROST: Objection. 20 MR. PROST: Objection. 21 MR. PROST: Objection. 22 document. He stated it that way. I don't disagree 23 that he used those words on this page. I don't 25 know that Mr. McCarthy was quite aware of the fact 25 know that Mr. McCarthy was quite aware of the fact 26 cosmetic-grade talc at West Windsor as well as in 3 Houston. 4 Q. (By Ms. O'Dell) He goes on to say, 4 know.	own,
meant here. 10 sometimes. If I do that, I understand you're a little hard of hearing, please ask me to slow of enunciate better, I will do all those things for you, okay? 12 director at Imerys when he's writing this 13 PowerPoint. And he states that and he's 14 referring to fibrous minerals "Can be 15 selectively rejected and levels reduced by 16 flotation and manual sorting, but they," referring 17 to fibrous minerals, "cannot be eliminated to meet 18 cosmetic standards," correct? It's what he states. 19 It's what he states, correct? 20 MR. PROST: Objection. 21 A. I think you're cherry-picking from a 22 document. He stated it that way. I don't disagree 23 that he used those words on this page. I don't 24 understand the context by which he means, because I 25 know that Mr. McCarthy was quite aware of the fact 26 cosmetic-grade talc at West Windsor as well as in 3 Houston. 4 Q. (By Ms. O'Dell) He goes on to say, 4 sometimes. If I do that, I understand you're a little hard of hearing, please ask me to slow of little hard of hearing, please ask me to slow of little hard of hearing, please ask me to slow of enunciate better, I will do all those things for you, okay? 1 A. That sounds good. Thanks. Q. Let me start by asking you something we met here yesterday for your deposition, a were here for a long day, correct? A. Yes. Q. Did you speak to anyone last night regarding your testimony in this matter? A. Yes. Q. Did you speak to anyone last night regarding your testimony in this matter? A. It in terms of specifics? Q. (By Ms. Scott) In terms of yes, let's start with specifics. MR. PROST: Obviously, don't talk about that we can and did and continue to do produce 2 cosmetic-grade talc at West Windsor as well as in 3 Houston. 4 Q. (By Ms. O'Dell) He goes on to say, 4 know.	own,
11 Q. (By Ms. O'Dell) He is technical 12 director at Imerys when he's writing this 13 PowerPoint. And he states that and he's 14 referring to fibrous minerals "Can be 15 selectively rejected and levels reduced by 16 flotation and manual sorting, but they," referring 17 to fibrous minerals, "cannot be eliminated to meet 18 cosmetic standards," correct? It's what he states. 19 It's what he states, correct? 10 MR. PROST: Objection. 20 MR. PROST: Objection. 21 A. I think you're cherry-picking from a 22 document. He stated it that way. I don't disagree 23 that he used those words on this page. I don't 24 understand the context by which he means, because I 25 know that Mr. McCarthy was quite aware of the fact 26 Page 413 27 That sounds good. Thanks. 28 A. That sounds good. Thanks. 40 Let me start by asking you something we met here yesterday for your deposition, at were here for a long day, correct? 4 A. Yes. 4 Q. Did you speak to anyone last night regarding your testimony in this matter? 4 MR. PROST: Objection. 4 MR. PROST: Objection. 4 Dege 413 4 Let's start with specifics. 4 I that we can and did and continue to do produce 4 cosmetic-grade talc at West Windsor as well as in 5 I that we can and did and continue to do produce 6 Cosmetic-grade talc at West Windsor as well as in 7 A. I told my wife how the day went, but didn't tell her any specifics that I test you know.	own,
director at Imerys when he's writing this PowerPoint. And he states that and he's referring to fibrous minerals "Can be selectively rejected and levels reduced by flotation and manual sorting, but they," referring to fibrous minerals, "cannot be eliminated to meet scosmetic standards," correct? It's what he states. If's what he states, correct? It's what he states. MR. PROST: Objection. A. I think you're cherry-picking from a document. He stated it that way. I don't disagree that he used those words on this page. I don't that he used those words on this page. I don't that we can and did and continue to do produce that we can and did and continue to do produce cosmetic-grade talc at West Windsor as well as in Houston. director at Imerys when he's writing this you, okay? A. That sounds good. Thanks. Q. Let me start by asking you something we met here yesterday for your deposition, at were here for a long day, correct? A. Yes. Q. Did you speak to anyone last night regarding your testimony in this matter? A. In terms of specifics? Q. (By Ms. Scott) In terms of yes, let's start with specifics. MR. PROST: Obviously, don't talk about Page anything you talked about with counsel. A. I told my wife how the day went, but didn't tell her any specifics that I test you know.	;
PowerPoint. And he states that and he's referring to fibrous minerals "Can be 14	
referring to fibrous minerals "Can be selectively rejected and levels reduced by flotation and manual sorting, but they," referring to fibrous minerals, "cannot be eliminated to meet cosmetic standards," correct? It's what he states. If's what he states, correct? If's what he states, and yes, correct? If's what he states, and y	
selectively rejected and levels reduced by flotation and manual sorting, but they," referring to fibrous minerals, "cannot be eliminated to meet cosmetic standards," correct? It's what he states. It's what he states, correct? MR. PROST: Objection. A. I think you're cherry-picking from a document. He stated it that way. I don't disagree document. He stated it hat way inderstand the context by which he means, because I know that Mr. McCarthy was quite aware of the fact Page 413 that we can and did and continue to do produce cosmetic-grade talc at West Windsor as well as in A. I to fibrous minerals, "cannot be eliminated to meet look we met here yesterday for your deposition, a were here for a long day, correct? A. Yes. A. Yes. Q. Did you speak to anyone last night regarding your testimony in this matter? A. In terms of specifics? Q. (By Ms. PROST: Objection. A. In terms of specifics? Q. (By Ms. Scott) In terms of yes, let's start with specifics. MR. PROST: Obviously, don't talk about with counsel. A. I told my wife how the day went, but didn't tell her any specifics that I test you A. I told my wife how the day went, but didn't tell her any specifics that I test you know.	
flotation and manual sorting, but they," referring to fibrous minerals, "cannot be eliminated to meet to fibrous minerals, "cannot head any this matter? The fibrous manufacture of the fact start with specifics. The fibrous manufacture of the fact start with specifics. The fibrous manufacture of the fact start with specifics. The fibrous manufacture of the fact start with specifics. The fibrous manufacture of the fact start with specifics. The fibrous manufacture of the fact start with specifics. The fibrous manufacture of the fact start with specifics. The fibrous manufacture of the fact start with specifics. The fibrous manufacture of the fact start with specifics. The fibrous manufacture of the fact start with specifics. The fibrous manufacture of the fact start with specifics. The fibrous manufacture of the fact start with specifics. The fibrous manufacture of the fact start with specifics. The fibrous manufacture of the fact start with specifics. The f	
to fibrous minerals, "cannot be eliminated to meet 17 were here for a long day, correct? 18 cosmetic standards," correct? It's what he states. 19 It's what he states, correct? 20 MR. PROST: Objection. 21 A. I think you're cherry-picking from a 22 document. He stated it that way. I don't disagree 23 that he used those words on this page. I don't 24 understand the context by which he means, because I 25 know that Mr. McCarthy was quite aware of the fact 26 Page 413 1 that we can and did and continue to do produce 27 cosmetic-grade talc at West Windsor as well as in 3 Houston. 4 Q. (By Ms. O'Dell) He goes on to say, 4 were here for a long day, correct? A. Yes. 19 Q. Did you speak to anyone last night regarding your testimony in this matter? A. I regarding your testimony in this matter? A. In terms of specifics? A. In terms of specifics? Q. (By Ms. Scott) In terms of yes, let's start with specifics. MR. PROST: Obviously, don't talk about anything you talked about with counsel. A. I told my wife how the day went, but didn't tell her any specifics that I test you know.	
18 cosmetic standards," correct? It's what he states. 19 It's what he states, correct? 20 MR. PROST: Objection. 21 A. I think you're cherry-picking from a 22 document. He stated it that way. I don't disagree 23 that he used those words on this page. I don't 24 understand the context by which he means, because I 25 know that Mr. McCarthy was quite aware of the fact Page 413 1 that we can and did and continue to do produce 2 cosmetic-grade talc at West Windsor as well as in 4 Q. (By Ms. O'Dell) He goes on to say, A. Yes. Q. Did you speak to anyone last night regarding your testimony in this matter? MR. PROST: Objection. A. In terms of specifics? Q. (By Ms. Scott) In terms of yes, let's start with specifics. MR. PROST: Obviously, don't talk about anything you talked about with counsel. A. I told my wife how the day went, but didn't tell her any specifics that I test you know.	
19 It's what he states, correct? 20 MR. PROST: Objection. 21 A. I think you're cherry-picking from a 22 document. He stated it that way. I don't disagree 23 that he used those words on this page. I don't 24 understand the context by which he means, because I 25 know that Mr. McCarthy was quite aware of the fact Page 413 1 that we can and did and continue to do produce 2 cosmetic-grade talc at West Windsor as well as in 3 Houston. 4 Q. (By Ms. O'Dell) He goes on to say, 4 I told my wife how the day went, but didn't tell her any specifics that I test you know.	
20 MR. PROST: Objection. 21 A. I think you're cherry-picking from a 22 document. He stated it that way. I don't disagree 23 that he used those words on this page. I don't 24 understand the context by which he means, because I 25 know that Mr. McCarthy was quite aware of the fact 26 Page 413 1 that we can and did and continue to do produce 27 cosmetic-grade talc at West Windsor as well as in 3 Houston. 4 Q. (By Ms. O'Dell) He goes on to say, 4 regarding your testimony in this matter? MR. PROST: Objection. A. In terms of specifics? Q. (By Ms. Scott) In terms of yes, let's start with specifics. MR. PROST: Obviously, don't talk about anything you talked about with counsel. A. I told my wife how the day went, but didn't tell her any specifics that I test you know.	
A. I think you're cherry-picking from a document. He stated it that way. I don't disagree 22 A. In terms of specifics? Late that he used those words on this page. I don't 23 Q. (By Ms. Scott) In terms of yes, 24 understand the context by which he means, because I 24 let's start with specifics. Late that we can and did and continue to do produce 2 cosmetic-grade talc at West Windsor as well as in 3 Houston. Late that we can and did and continue to do produce 2 Cosmetic-grade talc at West Windsor as well as in 3 didn't tell her any specifics that I test you 4 Q. (By Ms. O'Dell) He goes on to say, 4 know.	
document. He stated it that way. I don't disagree 23 that he used those words on this page. I don't 24 understand the context by which he means, because I 25 know that Mr. McCarthy was quite aware of the fact Page 413 1 that we can and did and continue to do produce 2 cosmetic-grade talc at West Windsor as well as in Houston. A. In terms of specifics? Q. (By Ms. Scott) In terms of yes, let's start with specifics. MR. PROST: Obviously, don't talk about Page 413 A. I told my wife how the day went, but didn't tell her any specifics that I test you know.	
that he used those words on this page. I don't 24 understand the context by which he means, because I 25 know that Mr. McCarthy was quite aware of the fact Page 413 that we can and did and continue to do produce cosmetic-grade talc at West Windsor as well as in Houston. Q. (By Ms. Scott) In terms of yes, let's start with specifics. MR. PROST: Obviously, don't talk about Page anything you talked about with counsel. A. I told my wife how the day went, but didn't tell her any specifics that I test you 4 Q. (By Ms. O'Dell) He goes on to say, 4 know.	
24 understand the context by which he means, because I 24 let's start with specifics. 25 know that Mr. McCarthy was quite aware of the fact 25 MR. PROST: Obviously, don't talk about 26 MR. PROST: Obviously, don't talk about 27 MR. PROST: Obviously, don't talk about 28 MR. PROST: Obviously, don't talk about 28 MR. PROST: Obviously, don't talk about 29 MR. PROST: O	
25 know that Mr. McCarthy was quite aware of the fact Page 413 that we can and did and continue to do produce cosmetic-grade talc at West Windsor as well as in Houston. Q. (By Ms. O'Dell) He goes on to say, MR. PROST: Obviously, don't talk about with counsel. anything you talked about with counsel. A. I told my wife how the day went, but didn't tell her any specifics that I test you know.	
Page 413 1 that we can and did and continue to do produce 2 cosmetic-grade talc at West Windsor as well as in 3 Houston. 4 Q. (By Ms. O'Dell) He goes on to say, Page 413 anything you talked about with counsel. A. I told my wife how the day went, but didn't tell her any specifics that I test you know.	ıt
that we can and did and continue to do produce cosmetic-grade talc at West Windsor as well as in Houston. Q. (By Ms. O'Dell) He goes on to say, anything you talked about with counsel. A. I told my wife how the day went, bu didn't tell her any specifics that I test you know.	
2 cosmetic-grade talc at West Windsor as well as in 3 Houston. 4 Q. (By Ms. O'Dell) He goes on to say, 2 A. I told my wife how the day went, but didn't tell her any specifics that I test you know.	
3 Houston. 3 didn't tell her any specifics that I test you 4 Q. (By Ms. O'Dell) He goes on to say, 4 know.	ī
4 Q. (By Ms. O'Dell) He goes on to say, 4 know.	-
() () () () () () () () () ()	
	one
6 economically viable process, can completely 6 else?	one
7 eliminate these contaminants," talking about 7 A. I spoke to Andrew Cary, but I don't	
8 fibrous minerals; did I read that correctly? 8 recall speaking of specifics.	
9 A. You read it correctly, but, again, I do 9 Q. And tell us who Andrew Cary is.	
10 not know the context of which Mr. McCarthy was 10 A. He's counsel with Gordon & Rees.	
11 making these statements. We skipped over several 11 Q. Did you speak to anyone who is a cu	rrent
pages. I don't know if he has if he was trying 12 employee at Imerys regarding your testimony	
to explain different subtleties, but I do know that 13 case?	
14 Mr. McCarthy is well aware that we make cosmetic 14 A. No.	
grade from West Windsor and Houston, and that our 15 Q. Did you speak to any former employ	es of
products meet the cosmetic standards and do not 16 Imerys about your testimony?	
17 contain asbestos. 17 A. No.	
MS. O'DELL: Let's take a quick break. 18 Q. Anyone else that you spoke to about	
19 MR. PROST: Sure. 19 testimony?	your
20 VIDEOGRAPHER: Going off the record at 3:30. 20 A. No.	your
21 (Recess taken.) 21 Q. Or about this matter in general?	your
22 VIDEOGRAPHER: We're back on the record at 22 A. No.	your
23 3:54. 23 Q. We've talked a little bit about sampli	your
24 // 24 over the past day and a half. What I want to	
25 // 25 you is just a couple general questions about	ng

40 (Pages 412 to 415)

	Page 416		Page 418
1	sampling and the process of sampling.	1	or in some cases of a small site that has
2	What is the purpose of sampling?	2	different, you know like a mill and a mine, it
3	A. The purpose is to get a representative	3	might be the site manager.
4	fraction of the material that you're trying to gain	4	Q. (By Ms. Scott) Okay. And that mine
5	some knowledge about, you know, to do some sort of	5	manager or that site manager, does that individual
6	analyses on.	6	have responsibility for overseeing the loading of
7	Q. Is it fair to say sampling is a way of	7	ore?
8	trying to determine what is in the mine that you're	8	MR. PROST: Objection to form.
9	mining for whatever purpose?	9	A. What do you mean? The loading of ore at
10	A. For quite a variety of purposes, but	10	what stage?
11	yes.	11	Q. (By Ms. Scott) Well, at every stage.
12	Q. Okay. And is a purpose of sampling also	12	I'm asking you whether there is someone with
13	to determine whether the materials being mined are	13	ultimate responsibility at the mine for overseeing
14	safe for their intended uses?	14	all the operations.
15	MR. PROST: Object to form.	15	MR. PROST: Object to form.
16	A. Well, I mean, the purpose of sampling is	16	A. It depends on the particular mine, how
17	to get material on which you can do quite a variety	17	big it is, you know. Is there a lot of staff?
18	of testing, and whether that's at the mining stage	18	From operation to operation, it depends whether,
19	or at finished-product stage, you know, that would	19	you know, there's a single manager at a mine or a
20	include all of the specifications for the product.	20	manager across multiple sites. So it really
21	Q. (By Ms. Scott) Tell me about the	21	depends.
22	role well, let me back up.	22	Q. (By Ms. Scott) Okay. And let me be
23	Who is responsible for taking samples, in	23	more specific, then.
24	general?	24	At Argonaut, was there a specific mine
25	MR. PROST: Object to form.	25	operator, one person, who oversaw the entire
23			
	Page 417		
1		1	Page 419
1	A. It really depends on at what stage.	1	operation?
2	A. It really depends on at what stage. Q. (By Ms. Scott) Okay. Let's talk about	2	operation? MR. PROST: Object to form.
2 3	A. It really depends on at what stage. Q. (By Ms. Scott) Okay. Let's talk about in the pit.	2	operation? MR. PROST: Object to form. A. That oversaw just the operation of the
2 3 4	A. It really depends on at what stage. Q. (By Ms. Scott) Okay. Let's talk about in the pit. A. Okay.	2 3 4	operation? MR. PROST: Object to form. A. That oversaw just the operation of the mine? I'm trying to be helpful. I just am having
2 3 4 5	 A. It really depends on at what stage. Q. (By Ms. Scott) Okay. Let's talk about in the pit. A. Okay. Q. Okay. Who's responsible for taking 	2 3 4 5	operation? MR. PROST: Object to form. A. That oversaw just the operation of the mine? I'm trying to be helpful. I just am having a hard time I don't know that we're
2 3 4 5 6	A. It really depends on at what stage. Q. (By Ms. Scott) Okay. Let's talk about in the pit. A. Okay. Q. Okay. Who's responsible for taking samples in the pit?	2 3 4 5 6	operation? MR. PROST: Object to form. A. That oversaw just the operation of the mine? I'm trying to be helpful. I just am having a hard time I don't know that we're communicating on the same plane.
2 3 4 5 6 7	A. It really depends on at what stage. Q. (By Ms. Scott) Okay. Let's talk about in the pit. A. Okay. Q. Okay. Who's responsible for taking samples in the pit? MR. PROST: Object to form.	2 3 4 5 6 7	operation? MR. PROST: Object to form. A. That oversaw just the operation of the mine? I'm trying to be helpful. I just am having a hard time I don't know that we're communicating on the same plane. Q. (By Ms. Scott) Sure. And I appreciate
2 3 4 5 6 7 8	 A. It really depends on at what stage. Q. (By Ms. Scott) Okay. Let's talk about in the pit. A. Okay. Q. Okay. Who's responsible for taking samples in the pit? MR. PROST: Object to form. A. The geologist will take the samples from 	2 3 4 5 6 7 8	operation? MR. PROST: Object to form. A. That oversaw just the operation of the mine? I'm trying to be helpful. I just am having a hard time I don't know that we're communicating on the same plane. Q. (By Ms. Scott) Sure. And I appreciate that. I'm just trying to figure out, of all the
2 3 4 5 6 7 8	A. It really depends on at what stage. Q. (By Ms. Scott) Okay. Let's talk about in the pit. A. Okay. Q. Okay. Who's responsible for taking samples in the pit? MR. PROST: Object to form. A. The geologist will take the samples from the blast holes in the pit.	2 3 4 5 6 7 8	operation? MR. PROST: Object to form. A. That oversaw just the operation of the mine? I'm trying to be helpful. I just am having a hard time I don't know that we're communicating on the same plane. Q. (By Ms. Scott) Sure. And I appreciate that. I'm just trying to figure out, of all the employees at the mine, of all the different levels
2 3 4 5 6 7 8 9	A. It really depends on at what stage. Q. (By Ms. Scott) Okay. Let's talk about in the pit. A. Okay. Q. Okay. Who's responsible for taking samples in the pit? MR. PROST: Object to form. A. The geologist will take the samples from the blast holes in the pit. Q. (By Ms. Scott) Tell me when the what	2 3 4 5 6 7 8 9	operation? MR. PROST: Object to form. A. That oversaw just the operation of the mine? I'm trying to be helpful. I just am having a hard time I don't know that we're communicating on the same plane. Q. (By Ms. Scott) Sure. And I appreciate that. I'm just trying to figure out, of all the employees at the mine, of all the different levels and the chain of operation at the mine, if there's
2 3 4 5 6 7 8 9 10	A. It really depends on at what stage. Q. (By Ms. Scott) Okay. Let's talk about in the pit. A. Okay. Q. Okay. Who's responsible for taking samples in the pit? MR. PROST: Object to form. A. The geologist will take the samples from the blast holes in the pit. Q. (By Ms. Scott) Tell me when the what is the role of the mine operator?	2 3 4 5 6 7 8 9 10	operation? MR. PROST: Object to form. A. That oversaw just the operation of the mine? I'm trying to be helpful. I just am having a hard time I don't know that we're communicating on the same plane. Q. (By Ms. Scott) Sure. And I appreciate that. I'm just trying to figure out, of all the employees at the mine, of all the different levels and the chain of operation at the mine, if there's someone at the top who's responsible for all of it.
2 3 4 5 6 7 8 9 10 11	A. It really depends on at what stage. Q. (By Ms. Scott) Okay. Let's talk about in the pit. A. Okay. Q. Okay. Who's responsible for taking samples in the pit? MR. PROST: Object to form. A. The geologist will take the samples from the blast holes in the pit. Q. (By Ms. Scott) Tell me when the what is the role of the mine operator? MR. PROST: Object to form.	2 3 4 5 6 7 8 9 10 11	operation? MR. PROST: Object to form. A. That oversaw just the operation of the mine? I'm trying to be helpful. I just am having a hard time I don't know that we're communicating on the same plane. Q. (By Ms. Scott) Sure. And I appreciate that. I'm just trying to figure out, of all the employees at the mine, of all the different levels and the chain of operation at the mine, if there's someone at the top who's responsible for all of it. MR. PROST: Object to form.
2 3 4 5 6 7 8 9 10 11 12 13	A. It really depends on at what stage. Q. (By Ms. Scott) Okay. Let's talk about in the pit. A. Okay. Q. Okay. Who's responsible for taking samples in the pit? MR. PROST: Object to form. A. The geologist will take the samples from the blast holes in the pit. Q. (By Ms. Scott) Tell me when the what is the role of the mine operator? MR. PROST: Object to form. A. What do you mean "mine operator"?	2 3 4 5 6 7 8 9 10 11 12 13	operation? MR. PROST: Object to form. A. That oversaw just the operation of the mine? I'm trying to be helpful. I just am having a hard time I don't know that we're communicating on the same plane. Q. (By Ms. Scott) Sure. And I appreciate that. I'm just trying to figure out, of all the employees at the mine, of all the different levels and the chain of operation at the mine, if there's someone at the top who's responsible for all of it. MR. PROST: Object to form. A. Generally, there can be a mine manager.
2 3 4 5 6 7 8 9 10 11 12 13 14	A. It really depends on at what stage. Q. (By Ms. Scott) Okay. Let's talk about in the pit. A. Okay. Q. Okay. Who's responsible for taking samples in the pit? MR. PROST: Object to form. A. The geologist will take the samples from the blast holes in the pit. Q. (By Ms. Scott) Tell me when the what is the role of the mine operator? MR. PROST: Object to form. A. What do you mean "mine operator"? Q. (By Ms. Scott) Is there a title is	2 3 4 5 6 7 8 9 10 11 12 13 14	operation? MR. PROST: Object to form. A. That oversaw just the operation of the mine? I'm trying to be helpful. I just am having a hard time I don't know that we're communicating on the same plane. Q. (By Ms. Scott) Sure. And I appreciate that. I'm just trying to figure out, of all the employees at the mine, of all the different levels and the chain of operation at the mine, if there's someone at the top who's responsible for all of it. MR. PROST: Object to form. A. Generally, there can be a mine manager. Q. (By Ms. Scott) Okay. Was there a mine
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. It really depends on at what stage. Q. (By Ms. Scott) Okay. Let's talk about in the pit. A. Okay. Q. Okay. Who's responsible for taking samples in the pit? MR. PROST: Object to form. A. The geologist will take the samples from the blast holes in the pit. Q. (By Ms. Scott) Tell me when the what is the role of the mine operator? MR. PROST: Object to form. A. What do you mean "mine operator"? Q. (By Ms. Scott) Is there a title is there a mine operator?	2 3 4 5 6 7 8 9 10 11 12 13 14 15	operation? MR. PROST: Object to form. A. That oversaw just the operation of the mine? I'm trying to be helpful. I just am having a hard time I don't know that we're communicating on the same plane. Q. (By Ms. Scott) Sure. And I appreciate that. I'm just trying to figure out, of all the employees at the mine, of all the different levels and the chain of operation at the mine, if there's someone at the top who's responsible for all of it. MR. PROST: Object to form. A. Generally, there can be a mine manager. Q. (By Ms. Scott) Okay. Was there a mine manager in place at Argonaut?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. It really depends on at what stage. Q. (By Ms. Scott) Okay. Let's talk about in the pit. A. Okay. Q. Okay. Who's responsible for taking samples in the pit? MR. PROST: Object to form. A. The geologist will take the samples from the blast holes in the pit. Q. (By Ms. Scott) Tell me when the what is the role of the mine operator? MR. PROST: Object to form. A. What do you mean "mine operator"? Q. (By Ms. Scott) Is there a title is there a mine operator? MR. PROST: Object to form.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	operation? MR. PROST: Object to form. A. That oversaw just the operation of the mine? I'm trying to be helpful. I just am having a hard time I don't know that we're communicating on the same plane. Q. (By Ms. Scott) Sure. And I appreciate that. I'm just trying to figure out, of all the employees at the mine, of all the different levels and the chain of operation at the mine, if there's someone at the top who's responsible for all of it. MR. PROST: Object to form. A. Generally, there can be a mine manager. Q. (By Ms. Scott) Okay. Was there a mine manager in place at Argonaut? MR. PROST: Object to form.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. It really depends on at what stage. Q. (By Ms. Scott) Okay. Let's talk about in the pit. A. Okay. Q. Okay. Who's responsible for taking samples in the pit? MR. PROST: Object to form. A. The geologist will take the samples from the blast holes in the pit. Q. (By Ms. Scott) Tell me when the what is the role of the mine operator? MR. PROST: Object to form. A. What do you mean "mine operator"? Q. (By Ms. Scott) Is there a title is there a mine operator? MR. PROST: Object to form. A. Are you are you asking about an	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	operation? MR. PROST: Object to form. A. That oversaw just the operation of the mine? I'm trying to be helpful. I just am having a hard time I don't know that we're communicating on the same plane. Q. (By Ms. Scott) Sure. And I appreciate that. I'm just trying to figure out, of all the employees at the mine, of all the different levels and the chain of operation at the mine, if there's someone at the top who's responsible for all of it. MR. PROST: Object to form. A. Generally, there can be a mine manager. Q. (By Ms. Scott) Okay. Was there a mine manager in place at Argonaut? MR. PROST: Object to form. A. I think, at different periods, there may
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. It really depends on at what stage. Q. (By Ms. Scott) Okay. Let's talk about in the pit. A. Okay. Q. Okay. Who's responsible for taking samples in the pit? MR. PROST: Object to form. A. The geologist will take the samples from the blast holes in the pit. Q. (By Ms. Scott) Tell me when the what is the role of the mine operator? MR. PROST: Object to form. A. What do you mean "mine operator"? Q. (By Ms. Scott) Is there a title is there a mine operator? MR. PROST: Object to form. A. Are you are you asking about an equipment operator or	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	operation? MR. PROST: Object to form. A. That oversaw just the operation of the mine? I'm trying to be helpful. I just am having a hard time I don't know that we're communicating on the same plane. Q. (By Ms. Scott) Sure. And I appreciate that. I'm just trying to figure out, of all the employees at the mine, of all the different levels and the chain of operation at the mine, if there's someone at the top who's responsible for all of it. MR. PROST: Object to form. A. Generally, there can be a mine manager. Q. (By Ms. Scott) Okay. Was there a mine manager in place at Argonaut? MR. PROST: Object to form. A. I think, at different periods, there may have been a mine manager. In other cases, it may
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. It really depends on at what stage. Q. (By Ms. Scott) Okay. Let's talk about in the pit. A. Okay. Q. Okay. Who's responsible for taking samples in the pit? MR. PROST: Object to form. A. The geologist will take the samples from the blast holes in the pit. Q. (By Ms. Scott) Tell me when the what is the role of the mine operator? MR. PROST: Object to form. A. What do you mean "mine operator"? Q. (By Ms. Scott) Is there a title is there a mine operator? MR. PROST: Object to form. A. Are you are you asking about an equipment operator or Q. (By Ms. Scott) And that was a bad	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	operation? MR. PROST: Object to form. A. That oversaw just the operation of the mine? I'm trying to be helpful. I just am having a hard time I don't know that we're communicating on the same plane. Q. (By Ms. Scott) Sure. And I appreciate that. I'm just trying to figure out, of all the employees at the mine, of all the different levels and the chain of operation at the mine, if there's someone at the top who's responsible for all of it. MR. PROST: Object to form. A. Generally, there can be a mine manager. Q. (By Ms. Scott) Okay. Was there a mine manager in place at Argonaut? MR. PROST: Object to form. A. I think, at different periods, there may have been a mine manager. In other cases, it may have been a site manager, so it depends on time.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. It really depends on at what stage. Q. (By Ms. Scott) Okay. Let's talk about in the pit. A. Okay. Q. Okay. Who's responsible for taking samples in the pit? MR. PROST: Object to form. A. The geologist will take the samples from the blast holes in the pit. Q. (By Ms. Scott) Tell me when the what is the role of the mine operator? MR. PROST: Object to form. A. What do you mean "mine operator"? Q. (By Ms. Scott) Is there a title is there a mine operator? MR. PROST: Object to form. A. Are you are you asking about an equipment operator or Q. (By Ms. Scott) And that was a bad question, so let me back up.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	operation? MR. PROST: Object to form. A. That oversaw just the operation of the mine? I'm trying to be helpful. I just am having a hard time I don't know that we're communicating on the same plane. Q. (By Ms. Scott) Sure. And I appreciate that. I'm just trying to figure out, of all the employees at the mine, of all the different levels and the chain of operation at the mine, if there's someone at the top who's responsible for all of it. MR. PROST: Object to form. A. Generally, there can be a mine manager. Q. (By Ms. Scott) Okay. Was there a mine manager in place at Argonaut? MR. PROST: Object to form. A. I think, at different periods, there may have been a mine manager. In other cases, it may have been a site manager, so it depends on time. Q. (By Ms. Scott) Okay. And if the single
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. It really depends on at what stage. Q. (By Ms. Scott) Okay. Let's talk about in the pit. A. Okay. Q. Okay. Who's responsible for taking samples in the pit? MR. PROST: Object to form. A. The geologist will take the samples from the blast holes in the pit. Q. (By Ms. Scott) Tell me when the what is the role of the mine operator? MR. PROST: Object to form. A. What do you mean "mine operator"? Q. (By Ms. Scott) Is there a title is there a mine operator? MR. PROST: Object to form. A. Are you are you asking about an equipment operator or Q. (By Ms. Scott) And that was a bad question, so let me back up. Is there someone who at the mine who	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	operation? MR. PROST: Object to form. A. That oversaw just the operation of the mine? I'm trying to be helpful. I just am having a hard time I don't know that we're communicating on the same plane. Q. (By Ms. Scott) Sure. And I appreciate that. I'm just trying to figure out, of all the employees at the mine, of all the different levels and the chain of operation at the mine, if there's someone at the top who's responsible for all of it. MR. PROST: Object to form. A. Generally, there can be a mine manager. Q. (By Ms. Scott) Okay. Was there a mine manager in place at Argonaut? MR. PROST: Object to form. A. I think, at different periods, there may have been a mine manager. In other cases, it may have been a site manager, so it depends on time. Q. (By Ms. Scott) Okay. And if the single individual was not in control, is it fair to say
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. It really depends on at what stage. Q. (By Ms. Scott) Okay. Let's talk about in the pit. A. Okay. Q. Okay. Who's responsible for taking samples in the pit? MR. PROST: Object to form. A. The geologist will take the samples from the blast holes in the pit. Q. (By Ms. Scott) Tell me when the what is the role of the mine operator? MR. PROST: Object to form. A. What do you mean "mine operator"? Q. (By Ms. Scott) Is there a title is there a mine operator? MR. PROST: Object to form. A. Are you are you asking about an equipment operator or Q. (By Ms. Scott) And that was a bad question, so let me back up. Is there someone who at the mine who has overall responsibility for managing the entire	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	operation? MR. PROST: Object to form. A. That oversaw just the operation of the mine? I'm trying to be helpful. I just am having a hard time I don't know that we're communicating on the same plane. Q. (By Ms. Scott) Sure. And I appreciate that. I'm just trying to figure out, of all the employees at the mine, of all the different levels and the chain of operation at the mine, if there's someone at the top who's responsible for all of it. MR. PROST: Object to form. A. Generally, there can be a mine manager. Q. (By Ms. Scott) Okay. Was there a mine manager in place at Argonaut? MR. PROST: Object to form. A. I think, at different periods, there may have been a mine manager. In other cases, it may have been a site manager, so it depends on time. Q. (By Ms. Scott) Okay. And if the single individual was not in control, is it fair to say that there were various individuals at the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. It really depends on at what stage. Q. (By Ms. Scott) Okay. Let's talk about in the pit. A. Okay. Q. Okay. Who's responsible for taking samples in the pit? MR. PROST: Object to form. A. The geologist will take the samples from the blast holes in the pit. Q. (By Ms. Scott) Tell me when the what is the role of the mine operator? MR. PROST: Object to form. A. What do you mean "mine operator"? Q. (By Ms. Scott) Is there a title is there a mine operator? MR. PROST: Object to form. A. Are you are you asking about an equipment operator or Q. (By Ms. Scott) And that was a bad question, so let me back up. Is there someone who at the mine who has overall responsibility for managing the entire process?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	operation? MR. PROST: Object to form. A. That oversaw just the operation of the mine? I'm trying to be helpful. I just am having a hard time I don't know that we're communicating on the same plane. Q. (By Ms. Scott) Sure. And I appreciate that. I'm just trying to figure out, of all the employees at the mine, of all the different levels and the chain of operation at the mine, if there's someone at the top who's responsible for all of it. MR. PROST: Object to form. A. Generally, there can be a mine manager. Q. (By Ms. Scott) Okay. Was there a mine manager in place at Argonaut? MR. PROST: Object to form. A. I think, at different periods, there may have been a mine manager. In other cases, it may have been a site manager, so it depends on time. Q. (By Ms. Scott) Okay. And if the single individual was not in control, is it fair to say that there were various individuals at the different operation sites within the mine that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. It really depends on at what stage. Q. (By Ms. Scott) Okay. Let's talk about in the pit. A. Okay. Q. Okay. Who's responsible for taking samples in the pit? MR. PROST: Object to form. A. The geologist will take the samples from the blast holes in the pit. Q. (By Ms. Scott) Tell me when the what is the role of the mine operator? MR. PROST: Object to form. A. What do you mean "mine operator"? Q. (By Ms. Scott) Is there a title is there a mine operator? MR. PROST: Object to form. A. Are you are you asking about an equipment operator or Q. (By Ms. Scott) And that was a bad question, so let me back up. Is there someone who at the mine who has overall responsibility for managing the entire	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	operation? MR. PROST: Object to form. A. That oversaw just the operation of the mine? I'm trying to be helpful. I just am having a hard time I don't know that we're communicating on the same plane. Q. (By Ms. Scott) Sure. And I appreciate that. I'm just trying to figure out, of all the employees at the mine, of all the different levels and the chain of operation at the mine, if there's someone at the top who's responsible for all of it. MR. PROST: Object to form. A. Generally, there can be a mine manager. Q. (By Ms. Scott) Okay. Was there a mine manager in place at Argonaut? MR. PROST: Object to form. A. I think, at different periods, there may have been a mine manager. In other cases, it may have been a site manager, so it depends on time. Q. (By Ms. Scott) Okay. And if the single individual was not in control, is it fair to say that there were various individuals at the

41 (Pages 416 to 419)

	Page 420		Page 422
1	MR. PROST: Objection.	1	MR. PROST: Objection; form.
2	A. Well, now you're saying "the mine," and	2	A. Variability of mineral what do you
3	these sites might be more than just a mine, so I'm	3	mean by "mineral in the ore"?
4	just trying to be as careful as I can to answer	4	Q. (By Ms. Scott) Okay. Well, we'll come
5	your question in the context of what I have	5	back to that. How about that?
6	knowledge of.	6	We'll take a look at a couple of different
7	Q. (By Ms. Scott) Sure. And I used the	7	SOPs in a moment, but how is it determined what
8	term "sites," and I shouldn't have used the term	8	amount is taken for a sample?
9	"sites."	9	MR. PROST: Object to form.
10	Other than the person ultimately responsible	10	A. How is it determined?
11	at Argonaut for some period of time, there are	11	Q. (By Ms. Scott) Mm-hmm.
12	different operations that happen within the mine,	12	A. Generally speaking, to get a
13	correct?	13	representative sample. That's generally what
14	MR. PROST: Objection to form.	14	determines that.
15	A. Let's say different functions.	15	Q. And tell me what you mean by
16	Q. (By Ms. Scott) Different functions,	16	"representative."
17	- · · ·	17	MR. PROST: Object to form.
18	okay. And for those different functions, was there	18	A. Generally speaking, a sample that would
19		19	
20	an individual who had ultimate responsibility for	20	be representative of the overall material that is being sampled.
21	that function in the mine?	21	* *
22	MR. PROST: Objection.	22	Q. (By Ms. Scott) Okay. Is there any way
23	A. Generally so. I mean, like, the		to quantify what a representative sample would be
	geologists, you know, they have responsibilities	23 24	for a given mine?
24	for the geology, the ore control, the development		MR. PROST: Object to form.
25	drilling, the blast drilling, all that stuff.	25	A. I think it depends on the parameter
	Page 421	_	Page 423
1	Q. (By Ms. Scott) Okay. And who did the	1	that's being analyzed, and that can vary.
2	geologist report to?		
		2	Q. (By Ms. Scott) Okay. And what do you
3	A. Depending, again, on time, it could be	3	mean "the parameter that's being analyzed"?
4	the mine manager or it could be off-site.	3 4	mean "the parameter that's being analyzed"? A. Whether it's the overall chemistry,
4 5	the mine manager or it could be off-site. Q. But it varied over time?	3 4 5	mean "the parameter that's being analyzed"? A. Whether it's the overall chemistry, specific mineralogy, color. It really depends.
4 5 6	the mine manager or it could be off-site. Q. But it varied over time? A. I believe it varied over time.	3 4 5 6	mean "the parameter that's being analyzed"? A. Whether it's the overall chemistry, specific mineralogy, color. It really depends. Q. And so does that amount that equals the
4 5 6 7	the mine manager or it could be off-site. Q. But it varied over time? A. I believe it varied over time. Q. Regarding sampling, in general, if ore	3 4 5 6 7	mean "the parameter that's being analyzed"? A. Whether it's the overall chemistry, specific mineralogy, color. It really depends. Q. And so does that amount that equals the representative amount does that vary based on
4 5 6 7 8	the mine manager or it could be off-site. Q. But it varied over time? A. I believe it varied over time. Q. Regarding sampling, in general, if ore was recognized as being variable in quality, was	3 4 5 6 7 8	mean "the parameter that's being analyzed"? A. Whether it's the overall chemistry, specific mineralogy, color. It really depends. Q. And so does that amount that equals the representative amount does that vary based on whether you're looking for color or mineralogy,
4 5 6 7 8 9	the mine manager or it could be off-site. Q. But it varied over time? A. I believe it varied over time. Q. Regarding sampling, in general, if ore was recognized as being variable in quality, was sampling taken from that ore more often?	3 4 5 6 7 8	mean "the parameter that's being analyzed"? A. Whether it's the overall chemistry, specific mineralogy, color. It really depends. Q. And so does that amount that equals the representative amount does that vary based on whether you're looking for color or mineralogy, et cetera?
4 5 6 7 8 9	the mine manager or it could be off-site. Q. But it varied over time? A. I believe it varied over time. Q. Regarding sampling, in general, if ore was recognized as being variable in quality, was sampling taken from that ore more often? MR. PROST: Object to form.	3 4 5 6 7 8 9	mean "the parameter that's being analyzed"? A. Whether it's the overall chemistry, specific mineralogy, color. It really depends. Q. And so does that amount that equals the representative amount does that vary based on whether you're looking for color or mineralogy, et cetera? MR. PROST: Object to form.
4 5 6 7 8 9 10	the mine manager or it could be off-site. Q. But it varied over time? A. I believe it varied over time. Q. Regarding sampling, in general, if ore was recognized as being variable in quality, was sampling taken from that ore more often? MR. PROST: Object to form. A. I don't know what you mean by "more	3 4 5 6 7 8 9 10	mean "the parameter that's being analyzed"? A. Whether it's the overall chemistry, specific mineralogy, color. It really depends. Q. And so does that amount that equals the representative amount does that vary based on whether you're looking for color or mineralogy, et cetera? MR. PROST: Object to form. A. I'm not sure what you're asking. Can
4 5 6 7 8 9 10 11	the mine manager or it could be off-site. Q. But it varied over time? A. I believe it varied over time. Q. Regarding sampling, in general, if ore was recognized as being variable in quality, was sampling taken from that ore more often? MR. PROST: Object to form. A. I don't know what you mean by "more often."	3 4 5 6 7 8 9 10 11	mean "the parameter that's being analyzed"? A. Whether it's the overall chemistry, specific mineralogy, color. It really depends. Q. And so does that amount that equals the representative amount does that vary based on whether you're looking for color or mineralogy, et cetera? MR. PROST: Object to form. A. I'm not sure what you're asking. Can you have it read back?
4 5 6 7 8 9 10 11 12 13	the mine manager or it could be off-site. Q. But it varied over time? A. I believe it varied over time. Q. Regarding sampling, in general, if ore was recognized as being variable in quality, was sampling taken from that ore more often? MR. PROST: Object to form. A. I don't know what you mean by "more often." Q. (By Ms. Scott) More often than a	3 4 5 6 7 8 9 10 11 12	mean "the parameter that's being analyzed"? A. Whether it's the overall chemistry, specific mineralogy, color. It really depends. Q. And so does that amount that equals the representative amount does that vary based on whether you're looking for color or mineralogy, et cetera? MR. PROST: Object to form. A. I'm not sure what you're asking. Can you have it read back? Q. (By Ms. Scott) Yeah. Well, let me
4 5 6 7 8 9 10 11 12 13 14	the mine manager or it could be off-site. Q. But it varied over time? A. I believe it varied over time. Q. Regarding sampling, in general, if ore was recognized as being variable in quality, was sampling taken from that ore more often? MR. PROST: Object to form. A. I don't know what you mean by "more often." Q. (By Ms. Scott) More often than a standard operating procedure might require.	3 4 5 6 7 8 9 10 11 12 13	mean "the parameter that's being analyzed"? A. Whether it's the overall chemistry, specific mineralogy, color. It really depends. Q. And so does that amount that equals the representative amount does that vary based on whether you're looking for color or mineralogy, et cetera? MR. PROST: Object to form. A. I'm not sure what you're asking. Can you have it read back? Q. (By Ms. Scott) Yeah. Well, let me rephrase it. What I'm just generally trying to
4 5 6 7 8 9 10 11 12 13 14 15	the mine manager or it could be off-site. Q. But it varied over time? A. I believe it varied over time. Q. Regarding sampling, in general, if ore was recognized as being variable in quality, was sampling taken from that ore more often? MR. PROST: Object to form. A. I don't know what you mean by "more often." Q. (By Ms. Scott) More often than a standard operating procedure might require. MR. PROST: Objection.	3 4 5 6 7 8 9 10 11 12 13 14 15	mean "the parameter that's being analyzed"? A. Whether it's the overall chemistry, specific mineralogy, color. It really depends. Q. And so does that amount that equals the representative amount does that vary based on whether you're looking for color or mineralogy, et cetera? MR. PROST: Object to form. A. I'm not sure what you're asking. Can you have it read back? Q. (By Ms. Scott) Yeah. Well, let me rephrase it. What I'm just generally trying to figure out is we see the term "representative"
4 5 6 7 8 9 10 11 12 13 14 15 16	the mine manager or it could be off-site. Q. But it varied over time? A. I believe it varied over time. Q. Regarding sampling, in general, if ore was recognized as being variable in quality, was sampling taken from that ore more often? MR. PROST: Object to form. A. I don't know what you mean by "more often." Q. (By Ms. Scott) More often than a standard operating procedure might require. MR. PROST: Objection. A. Do you mean more often spatially or	3 4 5 6 7 8 9 10 11 12 13 14 15 16	mean "the parameter that's being analyzed"? A. Whether it's the overall chemistry, specific mineralogy, color. It really depends. Q. And so does that amount that equals the representative amount does that vary based on whether you're looking for color or mineralogy, et cetera? MR. PROST: Object to form. A. I'm not sure what you're asking. Can you have it read back? Q. (By Ms. Scott) Yeah. Well, let me rephrase it. What I'm just generally trying to figure out is we see the term "representative sample." We've talked about the term
4 5 6 7 8 9 10 11 12 13 14 15 16 17	the mine manager or it could be off-site. Q. But it varied over time? A. I believe it varied over time. Q. Regarding sampling, in general, if ore was recognized as being variable in quality, was sampling taken from that ore more often? MR. PROST: Object to form. A. I don't know what you mean by "more often." Q. (By Ms. Scott) More often than a standard operating procedure might require. MR. PROST: Objection. A. Do you mean more often spatially or temporally?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	mean "the parameter that's being analyzed"? A. Whether it's the overall chemistry, specific mineralogy, color. It really depends. Q. And so does that amount that equals the representative amount does that vary based on whether you're looking for color or mineralogy, et cetera? MR. PROST: Object to form. A. I'm not sure what you're asking. Can you have it read back? Q. (By Ms. Scott) Yeah. Well, let me rephrase it. What I'm just generally trying to figure out is we see the term "representative sample." We've talked about the term "representative sample," but how who determines
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	the mine manager or it could be off-site. Q. But it varied over time? A. I believe it varied over time. Q. Regarding sampling, in general, if ore was recognized as being variable in quality, was sampling taken from that ore more often? MR. PROST: Object to form. A. I don't know what you mean by "more often." Q. (By Ms. Scott) More often than a standard operating procedure might require. MR. PROST: Objection. A. Do you mean more often spatially or temporally? Q. (By Ms. Scott) Both.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	mean "the parameter that's being analyzed"? A. Whether it's the overall chemistry, specific mineralogy, color. It really depends. Q. And so does that amount that equals the representative amount does that vary based on whether you're looking for color or mineralogy, et cetera? MR. PROST: Object to form. A. I'm not sure what you're asking. Can you have it read back? Q. (By Ms. Scott) Yeah. Well, let me rephrase it. What I'm just generally trying to figure out is we see the term "representative sample." We've talked about the term "representative sample," but how who determines that the sample, the amount taken and how it's
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	the mine manager or it could be off-site. Q. But it varied over time? A. I believe it varied over time. Q. Regarding sampling, in general, if ore was recognized as being variable in quality, was sampling taken from that ore more often? MR. PROST: Object to form. A. I don't know what you mean by "more often." Q. (By Ms. Scott) More often than a standard operating procedure might require. MR. PROST: Objection. A. Do you mean more often spatially or temporally? Q. (By Ms. Scott) Both. A. Perhaps. I mean, I'm	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	mean "the parameter that's being analyzed"? A. Whether it's the overall chemistry, specific mineralogy, color. It really depends. Q. And so does that amount that equals the representative amount does that vary based on whether you're looking for color or mineralogy, et cetera? MR. PROST: Object to form. A. I'm not sure what you're asking. Can you have it read back? Q. (By Ms. Scott) Yeah. Well, let me rephrase it. What I'm just generally trying to figure out is we see the term "representative sample." We've talked about the term "representative sample," but how who determines that the sample, the amount taken and how it's taken, is actually representative? What is that
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	the mine manager or it could be off-site. Q. But it varied over time? A. I believe it varied over time. Q. Regarding sampling, in general, if ore was recognized as being variable in quality, was sampling taken from that ore more often? MR. PROST: Object to form. A. I don't know what you mean by "more often." Q. (By Ms. Scott) More often than a standard operating procedure might require. MR. PROST: Objection. A. Do you mean more often spatially or temporally? Q. (By Ms. Scott) Both. A. Perhaps. I mean, I'm Q. You don't know?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	mean "the parameter that's being analyzed"? A. Whether it's the overall chemistry, specific mineralogy, color. It really depends. Q. And so does that amount that equals the representative amount does that vary based on whether you're looking for color or mineralogy, et cetera? MR. PROST: Object to form. A. I'm not sure what you're asking. Can you have it read back? Q. (By Ms. Scott) Yeah. Well, let me rephrase it. What I'm just generally trying to figure out is we see the term "representative sample." We've talked about the term "representative sample," but how who determines that the sample, the amount taken and how it's taken, is actually representative? What is that based on?
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	the mine manager or it could be off-site. Q. But it varied over time? A. I believe it varied over time. Q. Regarding sampling, in general, if ore was recognized as being variable in quality, was sampling taken from that ore more often? MR. PROST: Object to form. A. I don't know what you mean by "more often." Q. (By Ms. Scott) More often than a standard operating procedure might require. MR. PROST: Objection. A. Do you mean more often spatially or temporally? Q. (By Ms. Scott) Both. A. Perhaps. I mean, I'm Q. You don't know? A. No, I'm just I'm trying to get a	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	mean "the parameter that's being analyzed"? A. Whether it's the overall chemistry, specific mineralogy, color. It really depends. Q. And so does that amount that equals the representative amount does that vary based on whether you're looking for color or mineralogy, et cetera? MR. PROST: Object to form. A. I'm not sure what you're asking. Can you have it read back? Q. (By Ms. Scott) Yeah. Well, let me rephrase it. What I'm just generally trying to figure out is we see the term "representative sample." We've talked about the term "representative sample," but how who determines that the sample, the amount taken and how it's taken, is actually representative? What is that based on? MR. PROST: Object to form.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the mine manager or it could be off-site. Q. But it varied over time? A. I believe it varied over time. Q. Regarding sampling, in general, if ore was recognized as being variable in quality, was sampling taken from that ore more often? MR. PROST: Object to form. A. I don't know what you mean by "more often." Q. (By Ms. Scott) More often than a standard operating procedure might require. MR. PROST: Objection. A. Do you mean more often spatially or temporally? Q. (By Ms. Scott) Both. A. Perhaps. I mean, I'm Q. You don't know? A. No, I'm just I'm trying to get a sense for what you mean by by "variability."	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	mean "the parameter that's being analyzed"? A. Whether it's the overall chemistry, specific mineralogy, color. It really depends. Q. And so does that amount that equals the representative amount does that vary based on whether you're looking for color or mineralogy, et cetera? MR. PROST: Object to form. A. I'm not sure what you're asking. Can you have it read back? Q. (By Ms. Scott) Yeah. Well, let me rephrase it. What I'm just generally trying to figure out is we see the term "representative sample." We've talked about the term "representative sample," but how who determines that the sample, the amount taken and how it's taken, is actually representative? What is that based on? MR. PROST: Object to form. A. Generally, it's the repeatability, that
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	the mine manager or it could be off-site. Q. But it varied over time? A. I believe it varied over time. Q. Regarding sampling, in general, if ore was recognized as being variable in quality, was sampling taken from that ore more often? MR. PROST: Object to form. A. I don't know what you mean by "more often." Q. (By Ms. Scott) More often than a standard operating procedure might require. MR. PROST: Objection. A. Do you mean more often spatially or temporally? Q. (By Ms. Scott) Both. A. Perhaps. I mean, I'm Q. You don't know? A. No, I'm just I'm trying to get a sense for what you mean by by "variability." Q. Okay. Well, is it fair to say that	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	mean "the parameter that's being analyzed"? A. Whether it's the overall chemistry, specific mineralogy, color. It really depends. Q. And so does that amount that equals the representative amount does that vary based on whether you're looking for color or mineralogy, et cetera? MR. PROST: Object to form. A. I'm not sure what you're asking. Can you have it read back? Q. (By Ms. Scott) Yeah. Well, let me rephrase it. What I'm just generally trying to figure out is we see the term "representative sample." We've talked about the term "representative sample," but how who determines that the sample, the amount taken and how it's taken, is actually representative? What is that based on? MR. PROST: Object to form. A. Generally, it's the repeatability, that if you take another sample from the same area,
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the mine manager or it could be off-site. Q. But it varied over time? A. I believe it varied over time. Q. Regarding sampling, in general, if ore was recognized as being variable in quality, was sampling taken from that ore more often? MR. PROST: Object to form. A. I don't know what you mean by "more often." Q. (By Ms. Scott) More often than a standard operating procedure might require. MR. PROST: Objection. A. Do you mean more often spatially or temporally? Q. (By Ms. Scott) Both. A. Perhaps. I mean, I'm Q. You don't know? A. No, I'm just I'm trying to get a sense for what you mean by by "variability."	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	mean "the parameter that's being analyzed"? A. Whether it's the overall chemistry, specific mineralogy, color. It really depends. Q. And so does that amount that equals the representative amount does that vary based on whether you're looking for color or mineralogy, et cetera? MR. PROST: Object to form. A. I'm not sure what you're asking. Can you have it read back? Q. (By Ms. Scott) Yeah. Well, let me rephrase it. What I'm just generally trying to figure out is we see the term "representative sample." We've talked about the term "representative sample," but how who determines that the sample, the amount taken and how it's taken, is actually representative? What is that based on? MR. PROST: Object to form. A. Generally, it's the repeatability, that

42 (Pages 420 to 423)

	Page 424		Page 426
1	Q. (By Ms. Scott) We talked a little bit	1	information. So it's not it's not just visual.
2	earlier today, and some yesterday, about extracting	2	There's a lot of information that is utilized to
3	ore for cosmetic talc.	3	make the decisions on selective mining. And it's
4	Do you remember those discussions?	4	not one single person that makes that decision.
5	A. I remember some.	5	It's an informed choice informed by data as well as
6	Q. Okay. Sure. Fair enough.	6	the geology as well as experience.
7	And as I recall your testimony, correct me	7	Q. (By Ms. Scott) Okay. And do you have
8	if I'm wrong, a lot of the well, the	8	any understanding as to what training equipment
9	<i>C</i> ,	9	
	determination of which ore to pull depends on the	10	operators in China undergo prior to undertaking the
10 11	equipment operators; is that fair?	11	job of selective mining?
12	MR. PROST: Object to form.	12	MR. PROST: Object to form.
13	A. The decision to	13	A. No.
	MR. PROST: Misstates testimony.		Q. (By Ms. Scott) And as I understand your
14	A. I'm not sure what you mean by "the	14	testimony from yesterday, you're not aware of
15	decision to pull."	15	any of whether or what type of training
16	Q. (By Ms. Scott) The decision to take	16	equipment operators in Vermont undertook prior to
17	from the mine, a particular area of the mine, that	17	engaging in selective mining; is that correct?
18	depended on the equipment operators?	18	MR. PROST: Objection.
19	MR. PROST: Object to form; misstates	19	A. I don't recall my specific testimony,
20	testimony.	20	but generally, I don't know the detail of their
21	A. Well, the decision on where to mine and	21	training.
22	what to mine would be from the geologist. You	22	Q. (By Ms. Scott) Mr. Downey, is it fair
23	know, that would be communicated to the operator.	23	to say that ore bodies are complex?
24	The actual maneuvering of the machine in order to	24	A. They can be, some of them.
25	execute that activity would be the role of the	25	Q. And they can include several different
	Page 425		Page 427
1	equipment operator.	1	1 . 0
0			rock types?
2	Q. (By Ms. Scott) But as I understood your	2	A. Some can.
3	Q. (By Ms. Scott) But as I understood your testimony, that equipment operator has some		* *
		2	A. Some can.
3	testimony, that equipment operator has some	2	A. Some can.Q. And is it fair to say that veins of
3 4	testimony, that equipment operator has some discretion to determine what to grab with that	2 3 4	A. Some can. Q. And is it fair to say that veins of different rock can run from one ore site to another.
3 4 5	testimony, that equipment operator has some discretion to determine what to grab with that equipment?	2 3 4 5	A. Some can. Q. And is it fair to say that veins of different rock can run from one ore site to another ore site?
3 4 5 6	testimony, that equipment operator has some discretion to determine what to grab with that equipment? MR. PROST: Object to form.	2 3 4 5 6	A. Some can. Q. And is it fair to say that veins of different rock can run from one ore site to another ore site? MR. PROST: Object to form.
3 4 5 6 7	testimony, that equipment operator has some discretion to determine what to grab with that equipment? MR. PROST: Object to form. A. I don't really know what you mean by	2 3 4 5 6 7	A. Some can. Q. And is it fair to say that veins of different rock can run from one ore site to another ore site? MR. PROST: Object to form. A. Ask that again.
3 4 5 6 7 8	testimony, that equipment operator has some discretion to determine what to grab with that equipment? MR. PROST: Object to form. A. I don't really know what you mean by "discretion." He needs to meet the requirements as	2 3 4 5 6 7 8	A. Some can. Q. And is it fair to say that veins of different rock can run from one ore site to another ore site? MR. PROST: Object to form. A. Ask that again. Q. (By Ms. Scott) Sure. Is it fair to say
3 4 5 6 7 8 9	testimony, that equipment operator has some discretion to determine what to grab with that equipment? MR. PROST: Object to form. A. I don't really know what you mean by "discretion." He needs to meet the requirements as established by the geologist to meet the quality of	2 3 4 5 6 7 8 9	A. Some can. Q. And is it fair to say that veins of different rock can run from one ore site to another ore site? MR. PROST: Object to form. A. Ask that again. Q. (By Ms. Scott) Sure. Is it fair to say that veins of different rock can run from one ore
3 4 5 6 7 8 9	testimony, that equipment operator has some discretion to determine what to grab with that equipment? MR. PROST: Object to form. A. I don't really know what you mean by "discretion." He needs to meet the requirements as established by the geologist to meet the quality of the ore.	2 3 4 5 6 7 8 9	A. Some can. Q. And is it fair to say that veins of different rock can run from one ore site to another ore site? MR. PROST: Object to form. A. Ask that again. Q. (By Ms. Scott) Sure. Is it fair to say that veins of different rock can run from one ore site to another ore site?
3 4 5 6 7 8 9 10	testimony, that equipment operator has some discretion to determine what to grab with that equipment? MR. PROST: Object to form. A. I don't really know what you mean by "discretion." He needs to meet the requirements as established by the geologist to meet the quality of the ore. Q. (By Ms. Scott) And is it left up to the	2 3 4 5 6 7 8 9 10	A. Some can. Q. And is it fair to say that veins of different rock can run from one ore site to another ore site? MR. PROST: Object to form. A. Ask that again. Q. (By Ms. Scott) Sure. Is it fair to say that veins of different rock can run from one ore site to another ore site? A. "Vein" is actually a term that I
3 4 5 6 7 8 9 10 11 12	testimony, that equipment operator has some discretion to determine what to grab with that equipment? MR. PROST: Object to form. A. I don't really know what you mean by "discretion." He needs to meet the requirements as established by the geologist to meet the quality of the ore. Q. (By Ms. Scott) And is it left up to the equipment operator to determine whether that	2 3 4 5 6 7 8 9 10 11	A. Some can. Q. And is it fair to say that veins of different rock can run from one ore site to another ore site? MR. PROST: Object to form. A. Ask that again. Q. (By Ms. Scott) Sure. Is it fair to say that veins of different rock can run from one ore site to another ore site? A. "Vein" is actually a term that I normally use for ore itself.
3 4 5 6 7 8 9 10 11 12 13	testimony, that equipment operator has some discretion to determine what to grab with that equipment? MR. PROST: Object to form. A. I don't really know what you mean by "discretion." He needs to meet the requirements as established by the geologist to meet the quality of the ore. Q. (By Ms. Scott) And is it left up to the equipment operator to determine whether that operator is taking quality ore?	2 3 4 5 6 7 8 9 10 11 12	A. Some can. Q. And is it fair to say that veins of different rock can run from one ore site to another ore site? MR. PROST: Object to form. A. Ask that again. Q. (By Ms. Scott) Sure. Is it fair to say that veins of different rock can run from one ore site to another ore site? A. "Vein" is actually a term that I normally use for ore itself. Q. When we're talking about the different
3 4 5 6 7 8 9 10 11 12 13 14	testimony, that equipment operator has some discretion to determine what to grab with that equipment? MR. PROST: Object to form. A. I don't really know what you mean by "discretion." He needs to meet the requirements as established by the geologist to meet the quality of the ore. Q. (By Ms. Scott) And is it left up to the equipment operator to determine whether that operator is taking quality ore? MR. PROST: Objection.	2 3 4 5 6 7 8 9 10 11 12 13	A. Some can. Q. And is it fair to say that veins of different rock can run from one ore site to another ore site? MR. PROST: Object to form. A. Ask that again. Q. (By Ms. Scott) Sure. Is it fair to say that veins of different rock can run from one ore site to another ore site? A. "Vein" is actually a term that I normally use for ore itself. Q. When we're talking about the different formations of rock, they don't form in perfect
3 4 5 6 7 8 9 10 11 12 13 14 15	testimony, that equipment operator has some discretion to determine what to grab with that equipment? MR. PROST: Object to form. A. I don't really know what you mean by "discretion." He needs to meet the requirements as established by the geologist to meet the quality of the ore. Q. (By Ms. Scott) And is it left up to the equipment operator to determine whether that operator is taking quality ore? MR. PROST: Objection. A. I don't know what you mean by "left up	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Some can. Q. And is it fair to say that veins of different rock can run from one ore site to another ore site? MR. PROST: Object to form. A. Ask that again. Q. (By Ms. Scott) Sure. Is it fair to say that veins of different rock can run from one ore site to another ore site? A. "Vein" is actually a term that I normally use for ore itself. Q. When we're talking about the different formations of rock, they don't form in perfect cylinders perpendicular to the earth, correct?
3 4 5 6 7 8 9 10 11 12 13 14 15 16	testimony, that equipment operator has some discretion to determine what to grab with that equipment? MR. PROST: Object to form. A. I don't really know what you mean by "discretion." He needs to meet the requirements as established by the geologist to meet the quality of the ore. Q. (By Ms. Scott) And is it left up to the equipment operator to determine whether that operator is taking quality ore? MR. PROST: Objection. A. I don't know what you mean by "left up to the operator."	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Some can. Q. And is it fair to say that veins of different rock can run from one ore site to another ore site? MR. PROST: Object to form. A. Ask that again. Q. (By Ms. Scott) Sure. Is it fair to say that veins of different rock can run from one ore site to another ore site? A. "Vein" is actually a term that I normally use for ore itself. Q. When we're talking about the different formations of rock, they don't form in perfect cylinders perpendicular to the earth, correct? A. Are we talking about tale?
3 4 5 6 7 8 9 10 11 12 13 14 15 16	testimony, that equipment operator has some discretion to determine what to grab with that equipment? MR. PROST: Object to form. A. I don't really know what you mean by "discretion." He needs to meet the requirements as established by the geologist to meet the quality of the ore. Q. (By Ms. Scott) And is it left up to the equipment operator to determine whether that operator is taking quality ore? MR. PROST: Objection. A. I don't know what you mean by "left up to the operator." Q. (By Ms. Scott) Well, okay. I	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Some can. Q. And is it fair to say that veins of different rock can run from one ore site to another ore site? MR. PROST: Object to form. A. Ask that again. Q. (By Ms. Scott) Sure. Is it fair to say that veins of different rock can run from one ore site to another ore site? A. "Vein" is actually a term that I normally use for ore itself. Q. When we're talking about the different formations of rock, they don't form in perfect cylinders perpendicular to the earth, correct? A. Are we talking about talc? Q. We're talking about different rocks,
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	testimony, that equipment operator has some discretion to determine what to grab with that equipment? MR. PROST: Object to form. A. I don't really know what you mean by "discretion." He needs to meet the requirements as established by the geologist to meet the quality of the ore. Q. (By Ms. Scott) And is it left up to the equipment operator to determine whether that operator is taking quality ore? MR. PROST: Objection. A. I don't know what you mean by "left up to the operator." Q. (By Ms. Scott) Well, okay. I understand your testimony to say that the equipment	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Some can. Q. And is it fair to say that veins of different rock can run from one ore site to another ore site? MR. PROST: Object to form. A. Ask that again. Q. (By Ms. Scott) Sure. Is it fair to say that veins of different rock can run from one ore site to another ore site? A. "Vein" is actually a term that I normally use for ore itself. Q. When we're talking about the different formations of rock, they don't form in perfect cylinders perpendicular to the earth, correct? A. Are we talking about tale? Q. We're talking about different rocks, different types of different types of minerals.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	testimony, that equipment operator has some discretion to determine what to grab with that equipment? MR. PROST: Object to form. A. I don't really know what you mean by "discretion." He needs to meet the requirements as established by the geologist to meet the quality of the ore. Q. (By Ms. Scott) And is it left up to the equipment operator to determine whether that operator is taking quality ore? MR. PROST: Objection. A. I don't know what you mean by "left up to the operator." Q. (By Ms. Scott) Well, okay. I understand your testimony to say that the equipment operators had to determine, by color, whether the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Some can. Q. And is it fair to say that veins of different rock can run from one ore site to another ore site? MR. PROST: Object to form. A. Ask that again. Q. (By Ms. Scott) Sure. Is it fair to say that veins of different rock can run from one ore site to another ore site? A. "Vein" is actually a term that I normally use for ore itself. Q. When we're talking about the different formations of rock, they don't form in perfect cylinders perpendicular to the earth, correct? A. Are we talking about talc? Q. We're talking about different rocks, different types of different types of minerals. A. Well, there are some basalt type that
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	testimony, that equipment operator has some discretion to determine what to grab with that equipment? MR. PROST: Object to form. A. I don't really know what you mean by "discretion." He needs to meet the requirements as established by the geologist to meet the quality of the ore. Q. (By Ms. Scott) And is it left up to the equipment operator to determine whether that operator is taking quality ore? MR. PROST: Objection. A. I don't know what you mean by "left up to the operator." Q. (By Ms. Scott) Well, okay. I understand your testimony to say that the equipment operators had to determine, by color, whether the ore was cosmetic-grade or not.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Some can. Q. And is it fair to say that veins of different rock can run from one ore site to another ore site? MR. PROST: Object to form. A. Ask that again. Q. (By Ms. Scott) Sure. Is it fair to say that veins of different rock can run from one ore site to another ore site? A. "Vein" is actually a term that I normally use for ore itself. Q. When we're talking about the different formations of rock, they don't form in perfect cylinders perpendicular to the earth, correct? A. Are we talking about tale? Q. We're talking about different rocks, different types of different types of minerals. A. Well, there are some basalt type that actually do form cylinder column.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	testimony, that equipment operator has some discretion to determine what to grab with that equipment? MR. PROST: Object to form. A. I don't really know what you mean by "discretion." He needs to meet the requirements as established by the geologist to meet the quality of the ore. Q. (By Ms. Scott) And is it left up to the equipment operator to determine whether that operator is taking quality ore? MR. PROST: Objection. A. I don't know what you mean by "left up to the operator." Q. (By Ms. Scott) Well, okay. I understand your testimony to say that the equipment operators had to determine, by color, whether the ore was cosmetic-grade or not. MR. PROST: Objection.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Some can. Q. And is it fair to say that veins of different rock can run from one ore site to another ore site? MR. PROST: Object to form. A. Ask that again. Q. (By Ms. Scott) Sure. Is it fair to say that veins of different rock can run from one ore site to another ore site? A. "Vein" is actually a term that I normally use for ore itself. Q. When we're talking about the different formations of rock, they don't form in perfect cylinders perpendicular to the earth, correct? A. Are we talking about talc? Q. We're talking about different rocks, different types of different types of minerals. A. Well, there are some basalt type that actually do form cylinder column. Q. Okay. Fair enough. Okay.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	testimony, that equipment operator has some discretion to determine what to grab with that equipment? MR. PROST: Object to form. A. I don't really know what you mean by "discretion." He needs to meet the requirements as established by the geologist to meet the quality of the ore. Q. (By Ms. Scott) And is it left up to the equipment operator to determine whether that operator is taking quality ore? MR. PROST: Objection. A. I don't know what you mean by "left up to the operator." Q. (By Ms. Scott) Well, okay. I understand your testimony to say that the equipment operators had to determine, by color, whether the ore was cosmetic-grade or not. MR. PROST: Objection. A. Color is one of many attributes that the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Some can. Q. And is it fair to say that veins of different rock can run from one ore site to another ore site? MR. PROST: Object to form. A. Ask that again. Q. (By Ms. Scott) Sure. Is it fair to say that veins of different rock can run from one ore site to another ore site? A. "Vein" is actually a term that I normally use for ore itself. Q. When we're talking about the different formations of rock, they don't form in perfect cylinders perpendicular to the earth, correct? A. Are we talking about talc? Q. We're talking about different rocks, different types of different types of minerals. A. Well, there are some basalt type that actually do form cylinder column. Q. Okay. Fair enough. Okay. Does talc form in perfect perpendicular
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	testimony, that equipment operator has some discretion to determine what to grab with that equipment? MR. PROST: Object to form. A. I don't really know what you mean by "discretion." He needs to meet the requirements as established by the geologist to meet the quality of the ore. Q. (By Ms. Scott) And is it left up to the equipment operator to determine whether that operator is taking quality ore? MR. PROST: Objection. A. I don't know what you mean by "left up to the operator." Q. (By Ms. Scott) Well, okay. I understand your testimony to say that the equipment operators had to determine, by color, whether the ore was cosmetic-grade or not. MR. PROST: Objection. A. Color is one of many attributes that the shovel operator could use, along with instruction	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Some can. Q. And is it fair to say that veins of different rock can run from one ore site to another ore site? MR. PROST: Object to form. A. Ask that again. Q. (By Ms. Scott) Sure. Is it fair to say that veins of different rock can run from one ore site to another ore site? A. "Vein" is actually a term that I normally use for ore itself. Q. When we're talking about the different formations of rock, they don't form in perfect cylinders perpendicular to the earth, correct? A. Are we talking about talc? Q. We're talking about different rocks, different types of different types of minerals. A. Well, there are some basalt type that actually do form cylinder column. Q. Okay. Fair enough. Okay. Does talc form in perfect perpendicular cylinders?

43 (Pages 424 to 427)

	Page 428		Page 430
1	testimony earlier, that when the cores are pulled,	1	A. My recollection is that we drill the ore
2	we see different types of minerals throughout the	2	body at the exploration stage on a drill spacing of
3	several hundred feet of core that are pulled; is	3	X many feet, and right now, I'm drawing a blank on
4	that right?	4	what that is. Then we further refine that and do
5	A. Sure. Mm-hmm.	5	development drilling on closer spacing, and then we
6	Q. And would the same be fair to say for	6	do blast-hole drilling down to about eight-foot
7	minerals that we might consider to be hazardous,	7	centers.
8	that they don't form in perfect perpendicular	8	So we continue to gather information at
9	cylinders?	9	closer and closer intervals. The closer it comes
10	MR. PROST: Object to form.	10	to the period in which we're actually going to be
11	A. That really depends on where, but	11	extracting and mining the ore and removing the
12	* *	12	waste.
	generally speaking, I don't know that they form in	13	
13	perfect cylinders, as you asked.		Q. Would you agree that it's important to
14	Q. (By Ms. Scott) Sure. So if ore is	14	have a representative sample site for each area or
15	taken from one site and then another strike	15	region of the mine that is intended to be used for
16	that.	16	cosmetic talc purposes?
17	If ore is taken from one drill hole and then	17	MR. PROST: Object to form.
18	taken from another drill hole ten or a hundred feet		A. Ask again.
19	away, we're not guaranteed the same type of	19	Q. (By Ms. Scott) Sure.
20	minerals in each of those drill holes, even if	20	A. Because I don't know that I'm really
21	they're a relative proximity of one another,	21	following that question.
22	correct?	22	Q. Okay. Do you agree that it's important
23	MR. PROST: Objection.	23	to have a representative sample for each area or
24	A. I don't know what you mean by "or taken	24	region of the mine that is intended to be used for
25	from" one drill hole versus another.	25	cosmetic talc?
	Page 429		Page 431
1	Page 429 Q. (By Ms. Scott) Okay. Core. If core is	1	Page 431 A. Yeah.
1 2		1 2	
	Q. (By Ms. Scott) Okay. Core. If core is		A. Yeah.Q. Explain the process of blast sites.
2	Q. (By Ms. Scott) Okay. Core. If core is taken from one drill hole and then another ten feet	2	A. Yeah.
2 3	Q. (By Ms. Scott) Okay. Core. If core is taken from one drill hole and then another ten feet away, we're not guaranteed to see the same types of minerals in those cores, correct?	2	A. Yeah.Q. Explain the process of blast sites.What happens when blasting occurs to produce
2 3 4	Q. (By Ms. Scott) Okay. Core. If core is taken from one drill hole and then another ten feet away, we're not guaranteed to see the same types of minerals in those cores, correct? A. The same types of minerals?	2 3 4	A. Yeah.Q. Explain the process of blast sites.What happens when blasting occurs to produce ore?
2 3 4 5	Q. (By Ms. Scott) Okay. Core. If core is taken from one drill hole and then another ten feet away, we're not guaranteed to see the same types of minerals in those cores, correct? A. The same types of minerals? Q. Right.	2 3 4 5	 A. Yeah. Q. Explain the process of blast sites. What happens when blasting occurs to produce ore? MR. PROST: Object to form. A. Generally or specifically?
2 3 4 5 6	Q. (By Ms. Scott) Okay. Core. If core is taken from one drill hole and then another ten feet away, we're not guaranteed to see the same types of minerals in those cores, correct? A. The same types of minerals? Q. Right. A. Depending on the geology, the same types	2 3 4 5 6	 A. Yeah. Q. Explain the process of blast sites. What happens when blasting occurs to produce ore? MR. PROST: Object to form. A. Generally or specifically? Q. (By Ms. Scott) Generally and then
2 3 4 5 6 7	Q. (By Ms. Scott) Okay. Core. If core is taken from one drill hole and then another ten feet away, we're not guaranteed to see the same types of minerals in those cores, correct? A. The same types of minerals? Q. Right. A. Depending on the geology, the same types of minerals can be present.	2 3 4 5 6 7	 A. Yeah. Q. Explain the process of blast sites. What happens when blasting occurs to produce ore? MR. PROST: Object to form. A. Generally or specifically? Q. (By Ms. Scott) Generally and then specifically. How about that?
2 3 4 5 6 7 8	Q. (By Ms. Scott) Okay. Core. If core is taken from one drill hole and then another ten feet away, we're not guaranteed to see the same types of minerals in those cores, correct? A. The same types of minerals? Q. Right. A. Depending on the geology, the same types of minerals can be present. Q. But it's not guaranteed, correct?	2 3 4 5 6 7 8 9	 A. Yeah. Q. Explain the process of blast sites. What happens when blasting occurs to produce ore? MR. PROST: Object to form. A. Generally or specifically? Q. (By Ms. Scott) Generally and then specifically. How about that? A. I shouldn't have asked.
2 3 4 5 6 7 8 9	Q. (By Ms. Scott) Okay. Core. If core is taken from one drill hole and then another ten feet away, we're not guaranteed to see the same types of minerals in those cores, correct? A. The same types of minerals? Q. Right. A. Depending on the geology, the same types of minerals can be present. Q. But it's not guaranteed, correct? A. Guaranteed. I suppose not.	2 3 4 5 6 7 8 9	 A. Yeah. Q. Explain the process of blast sites. What happens when blasting occurs to produce ore? MR. PROST: Object to form. A. Generally or specifically? Q. (By Ms. Scott) Generally and then specifically. How about that? A. I shouldn't have asked. You begin by drilling holes on a specific
2 3 4 5 6 7 8	Q. (By Ms. Scott) Okay. Core. If core is taken from one drill hole and then another ten feet away, we're not guaranteed to see the same types of minerals in those cores, correct? A. The same types of minerals? Q. Right. A. Depending on the geology, the same types of minerals can be present. Q. But it's not guaranteed, correct? A. Guaranteed. I suppose not. Q. Okay. Therefore, would it not be	2 3 4 5 6 7 8 9 10	A. Yeah. Q. Explain the process of blast sites. What happens when blasting occurs to produce ore? MR. PROST: Object to form. A. Generally or specifically? Q. (By Ms. Scott) Generally and then specifically. How about that? A. I shouldn't have asked. You begin by drilling holes on a specific pattern or interval. It can be a rectangular
2 3 4 5 6 7 8 9 10 11 12	Q. (By Ms. Scott) Okay. Core. If core is taken from one drill hole and then another ten feet away, we're not guaranteed to see the same types of minerals in those cores, correct? A. The same types of minerals? Q. Right. A. Depending on the geology, the same types of minerals can be present. Q. But it's not guaranteed, correct? A. Guaranteed. I suppose not. Q. Okay. Therefore, would it not be accurate strike that.	2 3 4 5 6 7 8 9 10 11	A. Yeah. Q. Explain the process of blast sites. What happens when blasting occurs to produce ore? MR. PROST: Object to form. A. Generally or specifically? Q. (By Ms. Scott) Generally and then specifically. How about that? A. I shouldn't have asked. You begin by drilling holes on a specific pattern or interval. It can be a rectangular pattern or a square pattern, typically. You then
2 3 4 5 6 7 8 9 10 11 12 13	Q. (By Ms. Scott) Okay. Core. If core is taken from one drill hole and then another ten feet away, we're not guaranteed to see the same types of minerals in those cores, correct? A. The same types of minerals? Q. Right. A. Depending on the geology, the same types of minerals can be present. Q. But it's not guaranteed, correct? A. Guaranteed. I suppose not. Q. Okay. Therefore, would it not be accurate strike that. Would it be more accurate to sample from	2 3 4 5 6 7 8 9 10 11 12	A. Yeah. Q. Explain the process of blast sites. What happens when blasting occurs to produce ore? MR. PROST: Object to form. A. Generally or specifically? Q. (By Ms. Scott) Generally and then specifically. How about that? A. I shouldn't have asked. You begin by drilling holes on a specific pattern or interval. It can be a rectangular pattern or a square pattern, typically. You then place an initiator device, like a booster, and
2 3 4 5 6 7 8 9 10 11 12 13 14	Q. (By Ms. Scott) Okay. Core. If core is taken from one drill hole and then another ten feet away, we're not guaranteed to see the same types of minerals in those cores, correct? A. The same types of minerals? Q. Right. A. Depending on the geology, the same types of minerals can be present. Q. But it's not guaranteed, correct? A. Guaranteed. I suppose not. Q. Okay. Therefore, would it not be accurate strike that. Would it be more accurate to sample from each drill hole rather than a composite of drill	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yeah. Q. Explain the process of blast sites. What happens when blasting occurs to produce ore? MR. PROST: Object to form. A. Generally or specifically? Q. (By Ms. Scott) Generally and then specifically. How about that? A. I shouldn't have asked. You begin by drilling holes on a specific pattern or interval. It can be a rectangular pattern or a square pattern, typically. You then place an initiator device, like a booster, and blasting cap at the bottom of the hole, and then
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. (By Ms. Scott) Okay. Core. If core is taken from one drill hole and then another ten feet away, we're not guaranteed to see the same types of minerals in those cores, correct? A. The same types of minerals? Q. Right. A. Depending on the geology, the same types of minerals can be present. Q. But it's not guaranteed, correct? A. Guaranteed. I suppose not. Q. Okay. Therefore, would it not be accurate strike that. Would it be more accurate to sample from each drill hole rather than a composite of drill holes to determine what minerals are within the	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Yeah. Q. Explain the process of blast sites. What happens when blasting occurs to produce ore? MR. PROST: Object to form. A. Generally or specifically? Q. (By Ms. Scott) Generally and then specifically. How about that? A. I shouldn't have asked. You begin by drilling holes on a specific pattern or interval. It can be a rectangular pattern or a square pattern, typically. You then place an initiator device, like a booster, and blasting cap at the bottom of the hole, and then you put a column of blasting material on top of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. (By Ms. Scott) Okay. Core. If core is taken from one drill hole and then another ten feet away, we're not guaranteed to see the same types of minerals in those cores, correct? A. The same types of minerals? Q. Right. A. Depending on the geology, the same types of minerals can be present. Q. But it's not guaranteed, correct? A. Guaranteed. I suppose not. Q. Okay. Therefore, would it not be accurate strike that. Would it be more accurate to sample from each drill hole rather than a composite of drill holes to determine what minerals are within the drill hole?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yeah. Q. Explain the process of blast sites. What happens when blasting occurs to produce ore? MR. PROST: Object to form. A. Generally or specifically? Q. (By Ms. Scott) Generally and then specifically. How about that? A. I shouldn't have asked. You begin by drilling holes on a specific pattern or interval. It can be a rectangular pattern or a square pattern, typically. You then place an initiator device, like a booster, and blasting cap at the bottom of the hole, and then you put a column of blasting material on top of that, in the hole. And then you confine that with
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. (By Ms. Scott) Okay. Core. If core is taken from one drill hole and then another ten feet away, we're not guaranteed to see the same types of minerals in those cores, correct? A. The same types of minerals? Q. Right. A. Depending on the geology, the same types of minerals can be present. Q. But it's not guaranteed, correct? A. Guaranteed. I suppose not. Q. Okay. Therefore, would it not be accurate strike that. Would it be more accurate to sample from each drill hole rather than a composite of drill holes to determine what minerals are within the drill hole? MR. PROST: Object to form.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Yeah. Q. Explain the process of blast sites. What happens when blasting occurs to produce ore? MR. PROST: Object to form. A. Generally or specifically? Q. (By Ms. Scott) Generally and then specifically. How about that? A. I shouldn't have asked. You begin by drilling holes on a specific pattern or interval. It can be a rectangular pattern or a square pattern, typically. You then place an initiator device, like a booster, and blasting cap at the bottom of the hole, and then you put a column of blasting material on top of that, in the hole. And then you confine that with either crushed stone or grill cuttings from the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. (By Ms. Scott) Okay. Core. If core is taken from one drill hole and then another ten feet away, we're not guaranteed to see the same types of minerals in those cores, correct? A. The same types of minerals? Q. Right. A. Depending on the geology, the same types of minerals can be present. Q. But it's not guaranteed, correct? A. Guaranteed. I suppose not. Q. Okay. Therefore, would it not be accurate strike that. Would it be more accurate to sample from each drill hole rather than a composite of drill holes to determine what minerals are within the drill hole? MR. PROST: Object to form. A. I'm not sure what you're asking.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yeah. Q. Explain the process of blast sites. What happens when blasting occurs to produce ore? MR. PROST: Object to form. A. Generally or specifically? Q. (By Ms. Scott) Generally and then specifically. How about that? A. I shouldn't have asked. You begin by drilling holes on a specific pattern or interval. It can be a rectangular pattern or a square pattern, typically. You then place an initiator device, like a booster, and blasting cap at the bottom of the hole, and then you put a column of blasting material on top of that, in the hole. And then you confine that with either crushed stone or grill cuttings from the collar of the hole that are pushed back in the hole
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. (By Ms. Scott) Okay. Core. If core is taken from one drill hole and then another ten feet away, we're not guaranteed to see the same types of minerals in those cores, correct? A. The same types of minerals? Q. Right. A. Depending on the geology, the same types of minerals can be present. Q. But it's not guaranteed, correct? A. Guaranteed. I suppose not. Q. Okay. Therefore, would it not be accurate strike that. Would it be more accurate to sample from each drill hole rather than a composite of drill holes to determine what minerals are within the drill hole? MR. PROST: Object to form. A. I'm not sure what you're asking. Q. (By Ms. Scott) Okay. In looking at a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yeah. Q. Explain the process of blast sites. What happens when blasting occurs to produce ore? MR. PROST: Object to form. A. Generally or specifically? Q. (By Ms. Scott) Generally and then specifically. How about that? A. I shouldn't have asked. You begin by drilling holes on a specific pattern or interval. It can be a rectangular pattern or a square pattern, typically. You then place an initiator device, like a booster, and blasting cap at the bottom of the hole, and then you put a column of blasting material on top of that, in the hole. And then you confine that with either crushed stone or grill cuttings from the collar of the hole that are pushed back in the hole to confine the blasting agent. Actually, what the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. (By Ms. Scott) Okay. Core. If core is taken from one drill hole and then another ten feet away, we're not guaranteed to see the same types of minerals in those cores, correct? A. The same types of minerals? Q. Right. A. Depending on the geology, the same types of minerals can be present. Q. But it's not guaranteed, correct? A. Guaranteed. I suppose not. Q. Okay. Therefore, would it not be accurate strike that. Would it be more accurate to sample from each drill hole rather than a composite of drill holes to determine what minerals are within the drill hole? MR. PROST: Object to form. A. I'm not sure what you're asking. Q. (By Ms. Scott) Okay. In looking at a particular area on a map where core samples are	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yeah. Q. Explain the process of blast sites. What happens when blasting occurs to produce ore? MR. PROST: Object to form. A. Generally or specifically? Q. (By Ms. Scott) Generally and then specifically. How about that? A. I shouldn't have asked. You begin by drilling holes on a specific pattern or interval. It can be a rectangular pattern or a square pattern, typically. You then place an initiator device, like a booster, and blasting cap at the bottom of the hole, and then you put a column of blasting material on top of that, in the hole. And then you confine that with either crushed stone or grill cuttings from the collar of the hole that are pushed back in the hole to confine the blasting agent. Actually, what the purpose is, to confine the blasting energy so that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. (By Ms. Scott) Okay. Core. If core is taken from one drill hole and then another ten feet away, we're not guaranteed to see the same types of minerals in those cores, correct? A. The same types of minerals? Q. Right. A. Depending on the geology, the same types of minerals can be present. Q. But it's not guaranteed, correct? A. Guaranteed. I suppose not. Q. Okay. Therefore, would it not be accurate strike that. Would it be more accurate to sample from each drill hole rather than a composite of drill holes to determine what minerals are within the drill hole? MR. PROST: Object to form. A. I'm not sure what you're asking. Q. (By Ms. Scott) Okay. In looking at a particular area on a map where core samples are taken, does Imerys abide by a particular percentage	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yeah. Q. Explain the process of blast sites. What happens when blasting occurs to produce ore? MR. PROST: Object to form. A. Generally or specifically? Q. (By Ms. Scott) Generally and then specifically. How about that? A. I shouldn't have asked. You begin by drilling holes on a specific pattern or interval. It can be a rectangular pattern or a square pattern, typically. You then place an initiator device, like a booster, and blasting cap at the bottom of the hole, and then you put a column of blasting material on top of that, in the hole. And then you confine that with either crushed stone or grill cuttings from the collar of the hole that are pushed back in the hole to confine the blasting agent. Actually, what the purpose is, to confine the blasting energy so that that energy is transmitted into the rock to
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. (By Ms. Scott) Okay. Core. If core is taken from one drill hole and then another ten feet away, we're not guaranteed to see the same types of minerals in those cores, correct? A. The same types of minerals? Q. Right. A. Depending on the geology, the same types of minerals can be present. Q. But it's not guaranteed, correct? A. Guaranteed. I suppose not. Q. Okay. Therefore, would it not be accurate strike that. Would it be more accurate to sample from each drill hole rather than a composite of drill holes to determine what minerals are within the drill hole? MR. PROST: Object to form. A. I'm not sure what you're asking. Q. (By Ms. Scott) Okay. In looking at a particular area on a map where core samples are taken, does Imerys abide by a particular percentage of the area that should be sampled?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yeah. Q. Explain the process of blast sites. What happens when blasting occurs to produce ore? MR. PROST: Object to form. A. Generally or specifically? Q. (By Ms. Scott) Generally and then specifically. How about that? A. I shouldn't have asked. You begin by drilling holes on a specific pattern or interval. It can be a rectangular pattern or a square pattern, typically. You then place an initiator device, like a booster, and blasting cap at the bottom of the hole, and then you put a column of blasting material on top of that, in the hole. And then you confine that with either crushed stone or grill cuttings from the collar of the hole that are pushed back in the hole to confine the blasting agent. Actually, what the purpose is, to confine the blasting energy so that that energy is transmitted into the rock to fracture the rock so that you can dig it. So
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. (By Ms. Scott) Okay. Core. If core is taken from one drill hole and then another ten feet away, we're not guaranteed to see the same types of minerals in those cores, correct? A. The same types of minerals? Q. Right. A. Depending on the geology, the same types of minerals can be present. Q. But it's not guaranteed, correct? A. Guaranteed. I suppose not. Q. Okay. Therefore, would it not be accurate strike that. Would it be more accurate to sample from each drill hole rather than a composite of drill holes to determine what minerals are within the drill hole? MR. PROST: Object to form. A. I'm not sure what you're asking. Q. (By Ms. Scott) Okay. In looking at a particular area on a map where core samples are taken, does Imerys abide by a particular percentage of the area that should be sampled? MR. PROST: Object to form.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yeah. Q. Explain the process of blast sites. What happens when blasting occurs to produce ore? MR. PROST: Object to form. A. Generally or specifically? Q. (By Ms. Scott) Generally and then specifically. How about that? A. I shouldn't have asked. You begin by drilling holes on a specific pattern or interval. It can be a rectangular pattern or a square pattern, typically. You then place an initiator device, like a booster, and blasting cap at the bottom of the hole, and then you put a column of blasting material on top of that, in the hole. And then you confine that with either crushed stone or grill cuttings from the collar of the hole that are pushed back in the hole to confine the blasting agent. Actually, what the purpose is, to confine the blasting energy so that that energy is transmitted into the rock to fracture the rock so that you can dig it. So that's what you do on one hole.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. (By Ms. Scott) Okay. Core. If core is taken from one drill hole and then another ten feet away, we're not guaranteed to see the same types of minerals in those cores, correct? A. The same types of minerals? Q. Right. A. Depending on the geology, the same types of minerals can be present. Q. But it's not guaranteed, correct? A. Guaranteed. I suppose not. Q. Okay. Therefore, would it not be accurate strike that. Would it be more accurate to sample from each drill hole rather than a composite of drill holes to determine what minerals are within the drill hole? MR. PROST: Object to form. A. I'm not sure what you're asking. Q. (By Ms. Scott) Okay. In looking at a particular area on a map where core samples are taken, does Imerys abide by a particular percentage of the area that should be sampled?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yeah. Q. Explain the process of blast sites. What happens when blasting occurs to produce ore? MR. PROST: Object to form. A. Generally or specifically? Q. (By Ms. Scott) Generally and then specifically. How about that? A. I shouldn't have asked. You begin by drilling holes on a specific pattern or interval. It can be a rectangular pattern or a square pattern, typically. You then place an initiator device, like a booster, and blasting cap at the bottom of the hole, and then you put a column of blasting material on top of that, in the hole. And then you confine that with either crushed stone or grill cuttings from the collar of the hole that are pushed back in the hole to confine the blasting agent. Actually, what the purpose is, to confine the blasting energy so that that energy is transmitted into the rock to fracture the rock so that you can dig it. So

44 (Pages 428 to 431)

	Page 432		Page 434
1	holes and fill them in the manner in which I just	1	A. Well, for example, down-hole compositing
2	described.	2	would be to composite several intervals that are
3	Then you also use timing delays that are a	3	adjacent to each other. Typically, you don't
4	combination of what we call down-hole delays and	4	typically cross a rock-type boundary with a
5	surface delays. And what those are are timers that	5	composite sample. You end at the the composite
6	sequence the initiation of the blast in the holes.	6	would terminate if it transitions into a different
7	And the timing and the pattern on which you do that	7	rock type, unless the there's a repeating
8	is how you control the blast. And in many cases,	8	sequence of one rock type versus another and
9	an operator will choose to blast waste and not	9	they're closely spaced, and then you might take a
10	blast ore in the same in the same we call	10	sample that represents that zone so that you can
11	them "shot," and then come in later and drill out	11	understand, in general, tightly spaced, what that
12	the holes in the ore area or fill the holes that	12	would be. But, I mean, we're talking generalities.
13	had already been drilled and identified as ore,	13	Q. Sure. Do you disagree that within the
14	fill those similarly, design the pattern to control	14	Argonaut excuse me, within West Windsor that
15	the fragmentation and any directional blasting,	15	there were composite samples made from different
16	and, you know, make those blasts separately.	16	areas that were not necessarily in the same
17	Q. Okay. Is there ore that is extracted	17	interval?
18	from blast holes?	18	MR. PROST: Object to form.
19	A. What's left from the hole in the ground	19	A. Can you read the question again?
20	is a hole, so	20	Q. (By Ms. Scott) Sure. Do you disagree
21	Q. Okay. What is discrete sampling?	21	that within West Windsor, that there were composite
22	A. I'm sorry?	22	samples made from different areas that were not
23	Q. What is discrete sampling?	23	necessarily in the same interval?
24	A. Probably depending on the purpose, would	24	A. Well, Windsor's the float plant, so
25	be maybe just a grab sample of just a particular	25	Q. I'm sorry. In let's just say
	Page 433		Page 435
1		1	
1	item.	1	Vermont.
2	Q. So as opposed to composite sampling, it	2	MR. PROST: Object to form.
3	would be an individual sample from an individual	3	A. Ask again, please.
4	area; is that fair?	4	Q. (By Ms. Scott) Sure. Well, let me ask
5	A. I'd really need more context.	5	a different question.
6	Q. Sure. Let me ask it this way.	6	Do you disagree that at any mines in which
7	In discrete sampling, if a contaminant is	7 8	Imerys has or had control over, the composite
8	found, you would have an idea of how of that	-	sampling was made of multiple discrete lots versus
0			· · ·
9	area to avoid for future mining, correct?	9	material within the same interval?
10	MR. PROST: Object to form.	10	material within the same interval? MR. PROST: Object to form; outside the
10 11	MR. PROST: Object to form. A. I don't know what you mean by	10 11	material within the same interval? MR. PROST: Object to form; outside the scope.
10 11 12	MR. PROST: Object to form. A. I don't know what you mean by "contaminant." Where it is relative, you know,	10 11 12	material within the same interval? MR. PROST: Object to form; outside the scope. A. I would need to see what was being
10 11 12 13	MR. PROST: Object to form. A. I don't know what you mean by "contaminant." Where it is relative, you know, what it is, you know, I don't know how to answer	10 11 12 13	material within the same interval? MR. PROST: Object to form; outside the scope. A. I would need to see what was being composited to really be able to answer your
10 11 12 13 14	MR. PROST: Object to form. A. I don't know what you mean by "contaminant." Where it is relative, you know, what it is, you know, I don't know how to answer your question.	10 11 12 13 14	material within the same interval? MR. PROST: Object to form; outside the scope. A. I would need to see what was being composited to really be able to answer your question. That is different sampling for different
10 11 12 13 14	MR. PROST: Object to form. A. I don't know what you mean by "contaminant." Where it is relative, you know, what it is, you know, I don't know how to answer your question. Q. (By Ms. Scott) In discrete sampling, if	10 11 12 13 14 15	material within the same interval? MR. PROST: Object to form; outside the scope. A. I would need to see what was being composited to really be able to answer your question. That is different sampling for different purposes.
10 11 12 13 14 15 16	MR. PROST: Object to form. A. I don't know what you mean by "contaminant." Where it is relative, you know, what it is, you know, I don't know how to answer your question. Q. (By Ms. Scott) In discrete sampling, if tremolite was found, would Imerys know to avoid	10 11 12 13 14 15	material within the same interval? MR. PROST: Object to form; outside the scope. A. I would need to see what was being composited to really be able to answer your question. That is different sampling for different purposes. Q. (By Ms. Scott) Do you agree that most
10 11 12 13 14 15 16	MR. PROST: Object to form. A. I don't know what you mean by "contaminant." Where it is relative, you know, what it is, you know, I don't know how to answer your question. Q. (By Ms. Scott) In discrete sampling, if tremolite was found, would Imerys know to avoid that area for future mining for cosmetic talc use?	10 11 12 13 14 15 16	material within the same interval? MR. PROST: Object to form; outside the scope. A. I would need to see what was being composited to really be able to answer your question. That is different sampling for different purposes. Q. (By Ms. Scott) Do you agree that most of the sampling that was conducted at Imerys was
10 11 12 13 14 15 16 17	MR. PROST: Object to form. A. I don't know what you mean by "contaminant." Where it is relative, you know, what it is, you know, I don't know how to answer your question. Q. (By Ms. Scott) In discrete sampling, if tremolite was found, would Imerys know to avoid that area for future mining for cosmetic talc use? MR. PROST: Object to form.	10 11 12 13 14 15 16 17	material within the same interval? MR. PROST: Object to form; outside the scope. A. I would need to see what was being composited to really be able to answer your question. That is different sampling for different purposes. Q. (By Ms. Scott) Do you agree that most of the sampling that was conducted at Imerys was composite sampling?
10 11 12 13 14 15 16 17 18	MR. PROST: Object to form. A. I don't know what you mean by "contaminant." Where it is relative, you know, what it is, you know, I don't know how to answer your question. Q. (By Ms. Scott) In discrete sampling, if tremolite was found, would Imerys know to avoid that area for future mining for cosmetic talc use? MR. PROST: Object to form. A. I'd say yes.	10 11 12 13 14 15 16 17 18	material within the same interval? MR. PROST: Object to form; outside the scope. A. I would need to see what was being composited to really be able to answer your question. That is different sampling for different purposes. Q. (By Ms. Scott) Do you agree that most of the sampling that was conducted at Imerys was composite sampling? MR. PROST: Object to form.
10 11 12 13 14 15 16 17 18 19 20	MR. PROST: Object to form. A. I don't know what you mean by "contaminant." Where it is relative, you know, what it is, you know, I don't know how to answer your question. Q. (By Ms. Scott) In discrete sampling, if tremolite was found, would Imerys know to avoid that area for future mining for cosmetic talc use? MR. PROST: Object to form. A. I'd say yes. Q. (By Ms. Scott) And composite sampling	10 11 12 13 14 15 16 17 18 19 20	material within the same interval? MR. PROST: Object to form; outside the scope. A. I would need to see what was being composited to really be able to answer your question. That is different sampling for different purposes. Q. (By Ms. Scott) Do you agree that most of the sampling that was conducted at Imerys was composite sampling? MR. PROST: Object to form. A. I don't think I have any idea how to
10 11 12 13 14 15 16 17 18 19 20 21	MR. PROST: Object to form. A. I don't know what you mean by "contaminant." Where it is relative, you know, what it is, you know, I don't know how to answer your question. Q. (By Ms. Scott) In discrete sampling, if tremolite was found, would Imerys know to avoid that area for future mining for cosmetic talc use? MR. PROST: Object to form. A. I'd say yes. Q. (By Ms. Scott) And composite sampling is a combination of multiple discrete lots; is that	10 11 12 13 14 15 16 17 18 19 20 21	material within the same interval? MR. PROST: Object to form; outside the scope. A. I would need to see what was being composited to really be able to answer your question. That is different sampling for different purposes. Q. (By Ms. Scott) Do you agree that most of the sampling that was conducted at Imerys was composite sampling? MR. PROST: Object to form. A. I don't think I have any idea how to even determine "most" in that case.
10 11 12 13 14 15 16 17 18 19 20 21 22	MR. PROST: Object to form. A. I don't know what you mean by "contaminant." Where it is relative, you know, what it is, you know, I don't know how to answer your question. Q. (By Ms. Scott) In discrete sampling, if tremolite was found, would Imerys know to avoid that area for future mining for cosmetic talc use? MR. PROST: Object to form. A. I'd say yes. Q. (By Ms. Scott) And composite sampling is a combination of multiple discrete lots; is that fair?	10 11 12 13 14 15 16 17 18 19 20 21	material within the same interval? MR. PROST: Object to form; outside the scope. A. I would need to see what was being composited to really be able to answer your question. That is different sampling for different purposes. Q. (By Ms. Scott) Do you agree that most of the sampling that was conducted at Imerys was composite sampling? MR. PROST: Object to form. A. I don't think I have any idea how to even determine "most" in that case. Q. (By Ms. Scott) What other well,
10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. PROST: Object to form. A. I don't know what you mean by "contaminant." Where it is relative, you know, what it is, you know, I don't know how to answer your question. Q. (By Ms. Scott) In discrete sampling, if tremolite was found, would Imerys know to avoid that area for future mining for cosmetic talc use? MR. PROST: Object to form. A. I'd say yes. Q. (By Ms. Scott) And composite sampling is a combination of multiple discrete lots; is that fair? A. I don't know if I'd characterize it	10 11 12 13 14 15 16 17 18 19 20 21 22 23	material within the same interval? MR. PROST: Object to form; outside the scope. A. I would need to see what was being composited to really be able to answer your question. That is different sampling for different purposes. Q. (By Ms. Scott) Do you agree that most of the sampling that was conducted at Imerys was composite sampling? MR. PROST: Object to form. A. I don't think I have any idea how to even determine "most" in that case. Q. (By Ms. Scott) What other well, strike that.
10 11 12 13 14 15 16 17 18 19 20 21 22	MR. PROST: Object to form. A. I don't know what you mean by "contaminant." Where it is relative, you know, what it is, you know, I don't know how to answer your question. Q. (By Ms. Scott) In discrete sampling, if tremolite was found, would Imerys know to avoid that area for future mining for cosmetic talc use? MR. PROST: Object to form. A. I'd say yes. Q. (By Ms. Scott) And composite sampling is a combination of multiple discrete lots; is that fair?	10 11 12 13 14 15 16 17 18 19 20 21	material within the same interval? MR. PROST: Object to form; outside the scope. A. I would need to see what was being composited to really be able to answer your question. That is different sampling for different purposes. Q. (By Ms. Scott) Do you agree that most of the sampling that was conducted at Imerys was composite sampling? MR. PROST: Object to form. A. I don't think I have any idea how to even determine "most" in that case. Q. (By Ms. Scott) What other well,

45 (Pages 432 to 435)

	Page 436		Page 438
1	customers that indicates to them the specifications	1	(Exhibit 50 was marked for identification.)
2	of the product and whether or not the product that	2	Q. (By Ms. Scott) Mr. Downey, I'm going to
3	was manufactured for them at that specific time	3	hand you what's been marked as Exhibit 50 to your
4	whether or not it met those specifications.	4	deposition.
5	Q. And is a certificate of analysis tied to	5	A. Can I move this back? Because
6	a single source within the mine, a single source, a	6	otherwise, I won't be able to see you, the stack
7	discrete sample, so to speak?	7	got so tall.
8	MR. PROST: Object to form.	8	Q. You may. Let's move it in a way that
9	Q. (By Ms. Scott) I think the answer's	9	doesn't disturb our court reporter, make her life
10	going to be no. Let me back up.	10	miserable.
11	Is a certificate of analysis based on a	11	MR. PROST: I want to make sure we keep all
12	composite sample?	12	the exhibits maybe together toward the court
13	MR. PROST: Object to form.	13	reporter. I guess that's good if you want to stack
14	A. A certificate of analysis is made on	14	it there. Is it off the camera?
15	finished goods. So we were talking about sampling	15	Q. (By Ms. Scott) Mr. Downey, what is this
16	at the mine, and now you've jumped to	16	document?
17	finished-goods sampling. So I want to make sure	17	MR. PROST: Object to form.
18	we're understanding each other and not talking	18	A. (Document reviewed.) It is a 1988
19	about mining samples, because your first question	19	standard operating procedure, Windsor Minerals,
20	was, did it relate to a discrete sample in the	20	Inc., for the procedure of sample collection.
21	mine? So we're talking about finished-good	21	-
22		22	Q. (By Ms. Scott) Okay. And this is dated January 1988, correct?
23	sampling.		-
24	Q. (By Ms. Scott) Okay. And how does	23 24	A. Yes. About a year, almost to the date,
	Imerys determine the traceability that a for the		prior to Cyprus acquiring Windsor Minerals.
25 —	minerals that are subject to a certificate of	25	Q. Okay. Have you seen this document
	Page 437		Page 439
			J
1	analysis?	1	before?
1 2	analysis? MR. PROST: Object to form.	1 2	before? A. I'm not sure if I have or not.
	•		before?
2	MR. PROST: Object to form.	2	before? A. I'm not sure if I have or not.
2 3	MR. PROST: Object to form. A. For what aspect?	2	before? A. I'm not sure if I have or not. Q. The first paragraph reads, "The
2 3 4	MR. PROST: Object to form. A. For what aspect? Q. (By Ms. Scott) So how does Imerys	2 3 4	before? A. I'm not sure if I have or not. Q. The first paragraph reads, "The following is a guide for the collection of
2 3 4 5	MR. PROST: Object to form. A. For what aspect? Q. (By Ms. Scott) So how does Imerys certify that the particular minerals subject to the	2 3 4 5	before? A. I'm not sure if I have or not. Q. The first paragraph reads, "The following is a guide for the collection of production samples. Normal production samples will
2 3 4 5 6	MR. PROST: Object to form. A. For what aspect? Q. (By Ms. Scott) So how does Imerys certify that the particular minerals subject to the certificate of analysis are good for their intended	2 3 4 5 6	before? A. I'm not sure if I have or not. Q. The first paragraph reads, "The following is a guide for the collection of production samples. Normal production samples will be taken by laboratory technicians"; did I read
2 3 4 5 6 7	MR. PROST: Object to form. A. For what aspect? Q. (By Ms. Scott) So how does Imerys certify that the particular minerals subject to the certificate of analysis are good for their intended use?	2 3 4 5 6 7	before? A. I'm not sure if I have or not. Q. The first paragraph reads, "The following is a guide for the collection of production samples. Normal production samples will be taken by laboratory technicians"; did I read that correctly?
2 3 4 5 6 7 8	MR. PROST: Object to form. A. For what aspect? Q. (By Ms. Scott) So how does Imerys certify that the particular minerals subject to the certificate of analysis are good for their intended use? MR. PROST: Object to form.	2 3 4 5 6 7 8	before? A. I'm not sure if I have or not. Q. The first paragraph reads, "The following is a guide for the collection of production samples. Normal production samples will be taken by laboratory technicians"; did I read that correctly? A. Yes.
2 3 4 5 6 7 8 9	MR. PROST: Object to form. A. For what aspect? Q. (By Ms. Scott) So how does Imerys certify that the particular minerals subject to the certificate of analysis are good for their intended use? MR. PROST: Object to form. Q. (By Ms. Scott) How do they trace those	2 3 4 5 6 7 8	before? A. I'm not sure if I have or not. Q. The first paragraph reads, "The following is a guide for the collection of production samples. Normal production samples will be taken by laboratory technicians"; did I read that correctly? A. Yes. Q. And the production samples will be taken
2 3 4 5 6 7 8 9	MR. PROST: Object to form. A. For what aspect? Q. (By Ms. Scott) So how does Imerys certify that the particular minerals subject to the certificate of analysis are good for their intended use? MR. PROST: Object to form. Q. (By Ms. Scott) How do they trace those minerals back?	2 3 4 5 6 7 8 9	before? A. I'm not sure if I have or not. Q. The first paragraph reads, "The following is a guide for the collection of production samples. Normal production samples will be taken by laboratory technicians"; did I read that correctly? A. Yes. Q. And the production samples will be taken for what purpose? To make what determinations
2 3 4 5 6 7 8 9 10	MR. PROST: Object to form. A. For what aspect? Q. (By Ms. Scott) So how does Imerys certify that the particular minerals subject to the certificate of analysis are good for their intended use? MR. PROST: Object to form. Q. (By Ms. Scott) How do they trace those minerals back? A. Trace them back where?	2 3 4 5 6 7 8 9 10	before? A. I'm not sure if I have or not. Q. The first paragraph reads, "The following is a guide for the collection of production samples. Normal production samples will be taken by laboratory technicians"; did I read that correctly? A. Yes. Q. And the production samples will be taken for what purpose? To make what determinations about the samples?
2 3 4 5 6 7 8 9 10 11 12	MR. PROST: Object to form. A. For what aspect? Q. (By Ms. Scott) So how does Imerys certify that the particular minerals subject to the certificate of analysis are good for their intended use? MR. PROST: Object to form. Q. (By Ms. Scott) How do they trace those minerals back? A. Trace them back where? Q. To the mine to make certain that they	2 3 4 5 6 7 8 9 10 11	before? A. I'm not sure if I have or not. Q. The first paragraph reads, "The following is a guide for the collection of production samples. Normal production samples will be taken by laboratory technicians"; did I read that correctly? A. Yes. Q. And the production samples will be taken for what purpose? To make what determinations about the samples? MR. PROST: Object to form.
2 3 4 5 6 7 8 9 10 11 12	MR. PROST: Object to form. A. For what aspect? Q. (By Ms. Scott) So how does Imerys certify that the particular minerals subject to the certificate of analysis are good for their intended use? MR. PROST: Object to form. Q. (By Ms. Scott) How do they trace those minerals back? A. Trace them back where? Q. To the mine to make certain that they are not contaminated.	2 3 4 5 6 7 8 9 10 11 12	before? A. I'm not sure if I have or not. Q. The first paragraph reads, "The following is a guide for the collection of production samples. Normal production samples will be taken by laboratory technicians"; did I read that correctly? A. Yes. Q. And the production samples will be taken for what purpose? To make what determinations about the samples? MR. PROST: Object to form. A. It depends. You know, it could be a
2 3 4 5 6 7 8 9 10 11 12 13 14	MR. PROST: Object to form. A. For what aspect? Q. (By Ms. Scott) So how does Imerys certify that the particular minerals subject to the certificate of analysis are good for their intended use? MR. PROST: Object to form. Q. (By Ms. Scott) How do they trace those minerals back? A. Trace them back where? Q. To the mine to make certain that they are not contaminated. MR. PROST: Object to	2 3 4 5 6 7 8 9 10 11 12 13 14	before? A. I'm not sure if I have or not. Q. The first paragraph reads, "The following is a guide for the collection of production samples. Normal production samples will be taken by laboratory technicians"; did I read that correctly? A. Yes. Q. And the production samples will be taken for what purpose? To make what determinations about the samples? MR. PROST: Object to form. A. It depends. You know, it could be a number of quality parameters, either finished goods
2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR. PROST: Object to form. A. For what aspect? Q. (By Ms. Scott) So how does Imerys certify that the particular minerals subject to the certificate of analysis are good for their intended use? MR. PROST: Object to form. Q. (By Ms. Scott) How do they trace those minerals back? A. Trace them back where? Q. To the mine to make certain that they are not contaminated. MR. PROST: Object to Q. (By Ms. Scott) Do they rely on samples	2 3 4 5 6 7 8 9 10 11 12 13 14	before? A. I'm not sure if I have or not. Q. The first paragraph reads, "The following is a guide for the collection of production samples. Normal production samples will be taken by laboratory technicians"; did I read that correctly? A. Yes. Q. And the production samples will be taken for what purpose? To make what determinations about the samples? MR. PROST: Object to form. A. It depends. You know, it could be a number of quality parameters, either finished goods or in-process. So depends.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR. PROST: Object to form. A. For what aspect? Q. (By Ms. Scott) So how does Imerys certify that the particular minerals subject to the certificate of analysis are good for their intended use? MR. PROST: Object to form. Q. (By Ms. Scott) How do they trace those minerals back? A. Trace them back where? Q. To the mine to make certain that they are not contaminated. MR. PROST: Object to Q. (By Ms. Scott) Do they rely on samples for that purpose?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	before? A. I'm not sure if I have or not. Q. The first paragraph reads, "The following is a guide for the collection of production samples. Normal production samples will be taken by laboratory technicians"; did I read that correctly? A. Yes. Q. And the production samples will be taken for what purpose? To make what determinations about the samples? MR. PROST: Object to form. A. It depends. You know, it could be a number of quality parameters, either finished goods or in-process. So depends. Q. (By Ms. Scott) Okay. At the top
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR. PROST: Object to form. A. For what aspect? Q. (By Ms. Scott) So how does Imerys certify that the particular minerals subject to the certificate of analysis are good for their intended use? MR. PROST: Object to form. Q. (By Ms. Scott) How do they trace those minerals back? A. Trace them back where? Q. To the mine to make certain that they are not contaminated. MR. PROST: Object to Q. (By Ms. Scott) Do they rely on samples for that purpose? A. Rely on samples	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. I'm not sure if I have or not. Q. The first paragraph reads, "The following is a guide for the collection of production samples. Normal production samples will be taken by laboratory technicians"; did I read that correctly? A. Yes. Q. And the production samples will be taken for what purpose? To make what determinations about the samples? MR. PROST: Object to form. A. It depends. You know, it could be a number of quality parameters, either finished goods or in-process. So depends. Q. (By Ms. Scott) Okay. At the top just under that, we see the sample for microbes; is
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. PROST: Object to form. A. For what aspect? Q. (By Ms. Scott) So how does Imerys certify that the particular minerals subject to the certificate of analysis are good for their intended use? MR. PROST: Object to form. Q. (By Ms. Scott) How do they trace those minerals back? A. Trace them back where? Q. To the mine to make certain that they are not contaminated. MR. PROST: Object to Q. (By Ms. Scott) Do they rely on samples for that purpose? A. Rely on samples MR. PROST: Just object to form. A. We conduct sampling.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I'm not sure if I have or not. Q. The first paragraph reads, "The following is a guide for the collection of production samples. Normal production samples will be taken by laboratory technicians"; did I read that correctly? A. Yes. Q. And the production samples will be taken for what purpose? To make what determinations about the samples? MR. PROST: Object to form. A. It depends. You know, it could be a number of quality parameters, either finished goods or in-process. So depends. Q. (By Ms. Scott) Okay. At the top just under that, we see the sample for microbes; is that right? Did I read that correctly?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. PROST: Object to form. A. For what aspect? Q. (By Ms. Scott) So how does Imerys certify that the particular minerals subject to the certificate of analysis are good for their intended use? MR. PROST: Object to form. Q. (By Ms. Scott) How do they trace those minerals back? A. Trace them back where? Q. To the mine to make certain that they are not contaminated. MR. PROST: Object to Q. (By Ms. Scott) Do they rely on samples for that purpose? A. Rely on samples MR. PROST: Just object to form. A. We conduct sampling. MR. PROST: I'm not clear if you're talking	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I'm not sure if I have or not. Q. The first paragraph reads, "The following is a guide for the collection of production samples. Normal production samples will be taken by laboratory technicians"; did I read that correctly? A. Yes. Q. And the production samples will be taken for what purpose? To make what determinations about the samples? MR. PROST: Object to form. A. It depends. You know, it could be a number of quality parameters, either finished goods or in-process. So depends. Q. (By Ms. Scott) Okay. At the top just under that, we see the sample for microbes; is that right? Did I read that correctly? A. It says okay. Yes. Q. Okay. And the sample is collected at
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. PROST: Object to form. A. For what aspect? Q. (By Ms. Scott) So how does Imerys certify that the particular minerals subject to the certificate of analysis are good for their intended use? MR. PROST: Object to form. Q. (By Ms. Scott) How do they trace those minerals back? A. Trace them back where? Q. To the mine to make certain that they are not contaminated. MR. PROST: Object to Q. (By Ms. Scott) Do they rely on samples for that purpose? A. Rely on samples MR. PROST: Just object to form. A. We conduct sampling. MR. PROST: I'm not clear if you're talking about Houston or Vermont or China or it's	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I'm not sure if I have or not. Q. The first paragraph reads, "The following is a guide for the collection of production samples. Normal production samples will be taken by laboratory technicians"; did I read that correctly? A. Yes. Q. And the production samples will be taken for what purpose? To make what determinations about the samples? MR. PROST: Object to form. A. It depends. You know, it could be a number of quality parameters, either finished goods or in-process. So depends. Q. (By Ms. Scott) Okay. At the top just under that, we see the sample for microbes; is that right? Did I read that correctly? A. It says okay. Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. PROST: Object to form. A. For what aspect? Q. (By Ms. Scott) So how does Imerys certify that the particular minerals subject to the certificate of analysis are good for their intended use? MR. PROST: Object to form. Q. (By Ms. Scott) How do they trace those minerals back? A. Trace them back where? Q. To the mine to make certain that they are not contaminated. MR. PROST: Object to Q. (By Ms. Scott) Do they rely on samples for that purpose? A. Rely on samples MR. PROST: Just object to form. A. We conduct sampling. MR. PROST: I'm not clear if you're talking	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I'm not sure if I have or not. Q. The first paragraph reads, "The following is a guide for the collection of production samples. Normal production samples will be taken by laboratory technicians"; did I read that correctly? A. Yes. Q. And the production samples will be taken for what purpose? To make what determinations about the samples? MR. PROST: Object to form. A. It depends. You know, it could be a number of quality parameters, either finished goods or in-process. So depends. Q. (By Ms. Scott) Okay. At the top just under that, we see the sample for microbes; is that right? Did I read that correctly? A. It says okay. Yes. Q. Okay. And the sample is collected at the microbe, grab, simpler located above the flash
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. PROST: Object to form. A. For what aspect? Q. (By Ms. Scott) So how does Imerys certify that the particular minerals subject to the certificate of analysis are good for their intended use? MR. PROST: Object to form. Q. (By Ms. Scott) How do they trace those minerals back? A. Trace them back where? Q. To the mine to make certain that they are not contaminated. MR. PROST: Object to Q. (By Ms. Scott) Do they rely on samples for that purpose? A. Rely on samples MR. PROST: Just object to form. A. We conduct sampling. MR. PROST: I'm not clear if you're talking about Houston or Vermont or China or it's that's my I'm the transcript's not clear on	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I'm not sure if I have or not. Q. The first paragraph reads, "The following is a guide for the collection of production samples. Normal production samples will be taken by laboratory technicians"; did I read that correctly? A. Yes. Q. And the production samples will be taken for what purpose? To make what determinations about the samples? MR. PROST: Object to form. A. It depends. You know, it could be a number of quality parameters, either finished goods or in-process. So depends. Q. (By Ms. Scott) Okay. At the top just under that, we see the sample for microbes; is that right? Did I read that correctly? A. It says okay. Yes. Q. Okay. And the sample is collected at the microbe, grab, simpler located above the flash dryers, correct?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. PROST: Object to form. A. For what aspect? Q. (By Ms. Scott) So how does Imerys certify that the particular minerals subject to the certificate of analysis are good for their intended use? MR. PROST: Object to form. Q. (By Ms. Scott) How do they trace those minerals back? A. Trace them back where? Q. To the mine to make certain that they are not contaminated. MR. PROST: Object to Q. (By Ms. Scott) Do they rely on samples for that purpose? A. Rely on samples MR. PROST: Just object to form. A. We conduct sampling. MR. PROST: I'm not clear if you're talking about Houston or Vermont or China or it's that's my I'm the transcript's not clear on that.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	before? A. I'm not sure if I have or not. Q. The first paragraph reads, "The following is a guide for the collection of production samples. Normal production samples will be taken by laboratory technicians"; did I read that correctly? A. Yes. Q. And the production samples will be taken for what purpose? To make what determinations about the samples? MR. PROST: Object to form. A. It depends. You know, it could be a number of quality parameters, either finished goods or in-process. So depends. Q. (By Ms. Scott) Okay. At the top just under that, we see the sample for microbes; is that right? Did I read that correctly? A. It says okay. Yes. Q. Okay. And the sample is collected at the microbe, grab, simpler located above the flash dryers, correct? A. Yes.

46 (Pages 436 to 439)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 48 of 68 PageID: 51739 Patrick Downey

	Page 440		Page 442
1	discrete samples earlier?	1	Mr. Downey, what do silos look like?
2	MR. PROST: Object to form.	2	A. At West Windsor, I believe they were
3	A. I'm not sure.	3	concrete silos.
4	Q. (By Ms. Scott) Okay. Fair enough.	4	Q. And I grew up in the country. Some
5	And below that in the next section, we see	5	people on the jury might have, too.
6	"Sample: 66 Finished Product," right?	6	When I think of a silo, I think of a big
7	A. Yes.	7	metal bin in the middle of a field that holds corn,
8	Q. And sample 66, the intended use of that	8	but that's not what we're talking about here,
9	was what?	9	right?
10	MR. PROST: Object to form; outside the	10	A. Well, this was a concrete bin, contained
11	scope.	11	in the West Windsor plant. It was inside.
12	A. The what?	12	Q. And do you know how much product a silo
13	Q. (By Ms. Scott) I'm sorry. Product 66,	13	held could hold?
14	what was the intended use of product 66?	14	MR. PROST: Object to form.
15	MR. PROST: Objection.	15	A. It depends on the diameter and the
16	A. What do you mean "the intended use"?	16	height and the density of the material, so it would
17	Q. (By Ms. Scott) Was it for cosmetic	17	depend.
18	talc?	18	Q. (By Ms. Scott) Okay. We see here under
19	A. Yes.	19	the procedure that the person gathering the
20	Q. Do you know whether this sample	20	composite is to "Put one 400-milliliter ladle from
21	collection procedure was in place when Cyprus took	21	the 66 daily composite into the silo composite from
22	over?	22	each day the production is going into that silo,"
23	A. It says its effective date was one year	23	correct?
24	prior. My recollection of the supply agreement	24	MR. PROST: Object to form; outside the
25	included reference to a whole list of standard	25	scope.
	Page 441		Page 443
1	operating procedures that J&J had in place prior to	1	A. That's what it says.
2	the acquisition.	2	Q. (By Ms. Scott) And you've been to West
3	(Exhibit 51 was marked for identification.)	3	Windsor; is that correct?
4	Q. (By Ms. Scott) Mr. Downey, I've handed	4	A. Yes. A long time ago.
5	you what's been marked as Exhibit 51 to your	5	Q. And have you seen the silos that are
6	deposition. And we see that this is a standard	6	referenced here?
7	operating procedure for Windsor Minerals, dated	7	MR. PROST: Object to form.
8	June 10, 1987, and the procedure is silo	8	A. I don't recall seeing the silos.
9	composites; did I read that correctly?	9	Q. (By Ms. Scott) After the silo was full,
10	A. Yes.	10	the silo composite is mixed well, right?
11	Q. And have you seen this document before?	11	MR. PROST: Object to form.
12	A. Don't know.	12	A. That's step number two.
13	Q. Okay. The first paragraph reads,	13	Q. (By Ms. Scott) Okay. And here, does
14	(as read:) A composite is prepared from the 66 or	14	the composite mean that the ore can come from
15	99 grade shift composites.	15	places within the mine?
16	A. "96."	16	MR. PROST: Object; outside the scope.
17	Q. What did I say? Did I not	17	A. What?
18	A. "99."	18	Q. (By Ms. Scott) Tell me what makes up
19	Q. I'm sorry. "66 or 96 grade shift	19	the composite that's being placed into the silo.
20	composites."	20	MR. PROST: Objection.
20	composites.	20	
21	^	2.1	A It's stated here. From the daily
21	Now did I read that correctly?	21 22	A. It's stated here. From the daily
22	Now did I read that correctly? A. I think so.	22	composite.
22 23	Now did I read that correctly? A. I think so. Q. Okay.	22 23	composite. Q. (By Ms. Scott) Right, but what is the
22	Now did I read that correctly? A. I think so.	22	composite.

47 (Pages 440 to 443)

	Page 444		Page 446
1	MR. PROST: Objection.	1	Q. (By Ms. Scott) Okay. And then, from
2	A. Grade 66 was produced on a campaign	2	that, a 4-ounce microbe cut is sent for x-ray
3 bas	sis, so as the grade 66 was being processed	3	diffraction in step number 4; do you see that?
	en the float feed was being processed for	4	MR. PROST: Objection.
	ide 66, that production would be going into the	5	A. That's what it says.
_	o. And they would, as explained here, take	6	Q. (By Ms. Scott) Okay. So is it fair to
	rtions of the daily composite and use them to	7	say that based on this SOP that 4 ounces of the
•	ate a composite sample for the silo and then mix	8	silo that at least in the exemplar case was filled
	t sample well.	9	over the course of about four days, that 4 ounces
10	Q. (By Ms. Scott) Okay. So do you have	10	is sent for testing?
11 an	knowledge of how many days and how many	11	MR. PROST: Objection.
-	O-milliliter ladles it takes to fill the silos	12	A. That's what it appears to say, yes.
	ch that it can be mixed well in step number 2?	13	Q. (By Ms. Scott) And I'm not going to ask
14	A. I don't recall.	14	you about any of the testing, but it's a sample
15	Q. And the example here they give in	15	that is tested for arsenic, heavy metals, asbestos,
16 nu	mber 3, they start at June 6, 1987, and go to	16	those types of things, right?
	ne 10th, 1987; do you see that?	17	MR. PROST: Objection.
18	MR. PROST: Object to form; outside the	18	A. It said that the silo composite was
19 scc	ppe.	19	tested for moisture, insol, magnesium carbonate,
20	A. Time and date. I'm sorry. I'm just	20	bulk density, arsenic, heavy metals and
21 try	ing to familiarize myself with this, so	21	water-soluble iron.
22	Q. (By Ms. Scott) Sure. Time and date	22	Q. (By Ms. Scott) And, again, what is your
23 sile	b began drilling, time and date silo finished	23	estimate of the number of types of ore that a silo
	lling.	24	could hold?
25	A. Right.	25	A. I didn't give an estimate.
	Page 445		Page 447
1	Q. So that's about call it four or five	1	Q. What is your estimate?
2 da	ys, right?	2	A. I don't have one. I don't know what the
3	MR. PROST: Object; outside the scope. Just	3	density of the material was. I don't know what the
4 so	I'm clear, the procedure is from 1987. That's	4	diameter or the height is. I can't give you an
	y I keep saying "outside the scope," but	5	estimate.
6	MS. SCOTT: I see.	6	Q. Did you review any documents in
7	MR. PROST: I just don't know, and I want	7	preparation for your deposition to testify on
8 it t	o be clear on the record.	8	sampling that discuss the amount that a silo from
9	A. Your question was?	9	which samples can be taken can hold?
10	Q. (By Ms. Scott) Do you think that four	10	MR. PROST: Object to form.
11 or	five days is the time that it might likely take	11	A. If that was included in some of the
	fill a silo?	12	documents reviewed, I don't recall that at this
13	A. This example uses about four days.	13	time.
14	Q. Okay. And so can we agree that a silo	14	Q. (By Ms. Scott) Can we agree that 4
15 is 1	not a small container?	15	ounces is a very small amount compared to the
	A. What do you mean by "small"?	16	amount of material that would have been contained
16			uniount of material that would have been contained
16 17	Q. Well, I mean, if we're holding four	17	in the silo?
17	Q. Well, I mean, if we're holding four ys' worth of daily composite, can we agree that	17 18	
17 18 day			in the silo?
17 18 day	ys' worth of daily composite, can we agree that	18	in the silo? A. In this case, 4 ounces represented
17 18 day 19 it's	ys' worth of daily composite, can we agree that a larger container?	18 19	in the silo? A. In this case, 4 ounces represented a 4 ounces was a composite that represented the
17 18 day 19 it's 20	ys' worth of daily composite, can we agree that a larger container? A. Larger than a container?	18 19 20	in the silo? A. In this case, 4 ounces represented a 4 ounces was a composite that represented the material that was in the silo.
17 18 day 19 it's 20 21	ys' worth of daily composite, can we agree that a larger container? A. Larger than a container? Q. A large container.	18 19 20 21	in the silo? A. In this case, 4 ounces represented a 4 ounces was a composite that represented the material that was in the silo. Q. And my question was, can we agree that 4
17 18 day 19 it's 20 21 22 23	ys' worth of daily composite, can we agree that a larger container? A. Larger than a container? Q. A large container. MR. PROST: Object to form.	18 19 20 21 22	in the silo? A. In this case, 4 ounces represented a 4 ounces was a composite that represented the material that was in the silo. Q. And my question was, can we agree that 4 ounces is a very small amount compared to the large

48 (Pages 444 to 447)

	Page 448		Page 450
1	A. It's a 4-ounce sample that was	1	Q. Who is M.J. Keener?
2	representative of what was there. And I agree that	2	A. He was shown below in the document. He
3	it's a small amount compared to what was in the	3	was the QA manager.
4	silo.	4	Q. Okay. And the subject is "Phase 2 -
5	(Exhibit 52 was marked for identification.)	5	Validation Protocol," correct?
6	Q. (By Ms. Scott) I'm going to hand you	6	A. That's what it says.
7	what's been marked as Exhibit 2 52. Sorry.	7	Q. Do you know whose happen to know
8	And Mr. Downey, we see here that this is a	8	whose handwriting that might be, whose signature
9	laboratory standard test method for Imerys talc	9	that is in the top right-hand corner of this
10	North America for loose bulk density, and it's	10	document?
11	dated August 18, 2011; do you see that?	11	A. No.
12	A. Yes.	12	Q. So turn to page 2 of this document for
13	Q. Have you seen this document before?	13	me. Under "Description of Process," it describes
14	A. I believe I have.	14	the flotation process; do you see that?
15	Q. Okay. Tell me, why is why was it	15	A. Yes.
16	important to have a standard test method for loose	16	Q. And at the top, we see that this is the
17	bulk density?	17	"Cyprus Windsor Minerals Cosmetic Talc Process
18	MR. PROST: And I just wanted to say I think	18	Validation Protocol," correct?
19	this probably falls within Julie Pier's category,	19	A. Yes.
20	but I just object on that basis. But subject to	20	Q. So here we see the flotation process
21		21	described that the ore from the open-pit mines is
	that, go ahead.	22	
22	MS. SCOTT: Sure.	23	trucked to Chester, Vermont, where it's crushed in
	MR. PROST: And object to form. All right.	24	a jaw crusher and stored in a 60-ton bin before
24	Go ahead.		being transported to West Windsor, and there it is
25	A. Ask again, please.	25	dumped in an ore shed or stored in a stockpile; did
	Page 449		Page 451
1	Q. (By Ms. Scott) Okay. Strike that.	1	I read did I summarize that correctly?
2	Let me ask you this: It says, "This test	2	MR. PROST: Object to form.
3	method is used to determine the bulk density of	3	 A. You breezed through that pretty quick,
4			
	loose dry powders using the Scott Volumeter,"	4	but that's the general essence of it.
5	loose dry powders using the Scott Volumeter," correct?	4 5	but that's the general essence of it. Q. (By Ms. Scott) Okay. And would all 60
5 6			but that's the general essence of it.
	correct?	5	but that's the general essence of it. Q. (By Ms. Scott) Okay. And would all 60
6	correct? A. Yes.	5 6	but that's the general essence of it. Q. (By Ms. Scott) Okay. And would all 60 tons of that ore be stockpiled in one single bin?
6 7	correct? A. Yes. Q. What is a Scott volumeter? A. It's a device that allows you to test the loose bulk density by essentially creating a	5 6 7	but that's the general essence of it. Q. (By Ms. Scott) Okay. And would all 60 tons of that ore be stockpiled in one single bin? MR. PROST: Object to form; outside the
6 7 8	A. Yes. Q. What is a Scott volumeter? A. It's a device that allows you to test	5 6 7 8	but that's the general essence of it. Q. (By Ms. Scott) Okay. And would all 60 tons of that ore be stockpiled in one single bin? MR. PROST: Object to form; outside the scope.
6 7 8 9	correct? A. Yes. Q. What is a Scott volumeter? A. It's a device that allows you to test the loose bulk density by essentially creating a	5 6 7 8 9	but that's the general essence of it. Q. (By Ms. Scott) Okay. And would all 60 tons of that ore be stockpiled in one single bin? MR. PROST: Object to form; outside the scope. A. Other than what's written here, I don't
6 7 8 9	A. Yes. Q. What is a Scott volumeter? A. It's a device that allows you to test the loose bulk density by essentially creating a free flow of material into a one-inch cube.	5 6 7 8 9	but that's the general essence of it. Q. (By Ms. Scott) Okay. And would all 60 tons of that ore be stockpiled in one single bin? MR. PROST: Object to form; outside the scope. A. Other than what's written here, I don't know how I can answer your question.
6 7 8 9 10 11	A. Yes. Q. What is a Scott volumeter? A. It's a device that allows you to test the loose bulk density by essentially creating a free flow of material into a one-inch cube. (Exhibit 53 was marked for identification.)	5 6 7 8 9 10 11	but that's the general essence of it. Q. (By Ms. Scott) Okay. And would all 60 tons of that ore be stockpiled in one single bin? MR. PROST: Object to form; outside the scope. A. Other than what's written here, I don't know how I can answer your question. Q. (By Ms. Scott) Turn to the page with
6 7 8 9 10 11	A. Yes. Q. What is a Scott volumeter? A. It's a device that allows you to test the loose bulk density by essentially creating a free flow of material into a one-inch cube. (Exhibit 53 was marked for identification.) Q. (By Ms. Scott) Mr. Downey, I'm going to	5 6 7 8 9 10 11	but that's the general essence of it. Q. (By Ms. Scott) Okay. And would all 60 tons of that ore be stockpiled in one single bin? MR. PROST: Object to form; outside the scope. A. Other than what's written here, I don't know how I can answer your question. Q. (By Ms. Scott) Turn to the page with Bates numbers, the last two numbers, 82. A. I'm sorry. What was your instruction? Q. Turn to the page, last two numbers 82.
6 7 8 9 10 11 12 13	A. Yes. Q. What is a Scott volumeter? A. It's a device that allows you to test the loose bulk density by essentially creating a free flow of material into a one-inch cube. (Exhibit 53 was marked for identification.) Q. (By Ms. Scott) Mr. Downey, I'm going to hand you what's been marked as Exhibit 53 to your	5 6 7 8 9 10 11 12	but that's the general essence of it. Q. (By Ms. Scott) Okay. And would all 60 tons of that ore be stockpiled in one single bin? MR. PROST: Object to form; outside the scope. A. Other than what's written here, I don't know how I can answer your question. Q. (By Ms. Scott) Turn to the page with Bates numbers, the last two numbers, 82. A. I'm sorry. What was your instruction?
6 7 8 9 10 11 12 13	A. Yes. Q. What is a Scott volumeter? A. It's a device that allows you to test the loose bulk density by essentially creating a free flow of material into a one-inch cube. (Exhibit 53 was marked for identification.) Q. (By Ms. Scott) Mr. Downey, I'm going to hand you what's been marked as Exhibit 53 to your deposition.	5 6 7 8 9 10 11 12 13 14	but that's the general essence of it. Q. (By Ms. Scott) Okay. And would all 60 tons of that ore be stockpiled in one single bin? MR. PROST: Object to form; outside the scope. A. Other than what's written here, I don't know how I can answer your question. Q. (By Ms. Scott) Turn to the page with Bates numbers, the last two numbers, 82. A. I'm sorry. What was your instruction? Q. Turn to the page, last two numbers 82.
6 7 8 9 10 11 12 13 14	A. Yes. Q. What is a Scott volumeter? A. It's a device that allows you to test the loose bulk density by essentially creating a free flow of material into a one-inch cube. (Exhibit 53 was marked for identification.) Q. (By Ms. Scott) Mr. Downey, I'm going to hand you what's been marked as Exhibit 53 to your deposition. A. Do you have a paper clip? I just don't	5 6 7 8 9 10 11 12 13 14 15	but that's the general essence of it. Q. (By Ms. Scott) Okay. And would all 60 tons of that ore be stockpiled in one single bin? MR. PROST: Object to form; outside the scope. A. Other than what's written here, I don't know how I can answer your question. Q. (By Ms. Scott) Turn to the page with Bates numbers, the last two numbers, 82. A. I'm sorry. What was your instruction? Q. Turn to the page, last two numbers 82. And at the bottom, we see "Validation"
6 7 8 9 10 11 12 13 14 15	A. Yes. Q. What is a Scott volumeter? A. It's a device that allows you to test the loose bulk density by essentially creating a free flow of material into a one-inch cube. (Exhibit 53 was marked for identification.) Q. (By Ms. Scott) Mr. Downey, I'm going to hand you what's been marked as Exhibit 53 to your deposition. A. Do you have a paper clip? I just don't want it to get lost.	5 6 7 8 9 10 11 12 13 14 15 16	but that's the general essence of it. Q. (By Ms. Scott) Okay. And would all 60 tons of that ore be stockpiled in one single bin? MR. PROST: Object to form; outside the scope. A. Other than what's written here, I don't know how I can answer your question. Q. (By Ms. Scott) Turn to the page with Bates numbers, the last two numbers, 82. A. I'm sorry. What was your instruction? Q. Turn to the page, last two numbers 82. And at the bottom, we see "Validation Requirements"; do you see that?
6 7 8 9 10 11 12 13 14 15 16 17	A. Yes. Q. What is a Scott volumeter? A. It's a device that allows you to test the loose bulk density by essentially creating a free flow of material into a one-inch cube. (Exhibit 53 was marked for identification.) Q. (By Ms. Scott) Mr. Downey, I'm going to hand you what's been marked as Exhibit 53 to your deposition. A. Do you have a paper clip? I just don't want it to get lost. Q. I'll see if I can put an exhibit sticker	5 6 7 8 9 10 11 12 13 14 15 16 17	but that's the general essence of it. Q. (By Ms. Scott) Okay. And would all 60 tons of that ore be stockpiled in one single bin? MR. PROST: Object to form; outside the scope. A. Other than what's written here, I don't know how I can answer your question. Q. (By Ms. Scott) Turn to the page with Bates numbers, the last two numbers, 82. A. I'm sorry. What was your instruction? Q. Turn to the page, last two numbers 82. And at the bottom, we see "Validation Requirements"; do you see that? A. Yes.
6 7 8 9 10 11 12 13 14 15 16 17	A. Yes. Q. What is a Scott volumeter? A. It's a device that allows you to test the loose bulk density by essentially creating a free flow of material into a one-inch cube. (Exhibit 53 was marked for identification.) Q. (By Ms. Scott) Mr. Downey, I'm going to hand you what's been marked as Exhibit 53 to your deposition. A. Do you have a paper clip? I just don't want it to get lost. Q. I'll see if I can put an exhibit sticker on the one that is. Oh, look at that. How about	5 6 7 8 9 10 11 12 13 14 15 16 17	but that's the general essence of it. Q. (By Ms. Scott) Okay. And would all 60 tons of that ore be stockpiled in one single bin? MR. PROST: Object to form; outside the scope. A. Other than what's written here, I don't know how I can answer your question. Q. (By Ms. Scott) Turn to the page with Bates numbers, the last two numbers, 82. A. I'm sorry. What was your instruction? Q. Turn to the page, last two numbers 82. And at the bottom, we see "Validation Requirements"; do you see that? A. Yes. Q. "The process systems will be considered
6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. What is a Scott volumeter? A. It's a device that allows you to test the loose bulk density by essentially creating a free flow of material into a one-inch cube. (Exhibit 53 was marked for identification.) Q. (By Ms. Scott) Mr. Downey, I'm going to hand you what's been marked as Exhibit 53 to your deposition. A. Do you have a paper clip? I just don't want it to get lost. Q. I'll see if I can put an exhibit sticker on the one that is. Oh, look at that. How about that? There might be duplicate copies here. In	5 6 7 8 9 10 11 12 13 14 15 16 17 18	but that's the general essence of it. Q. (By Ms. Scott) Okay. And would all 60 tons of that ore be stockpiled in one single bin? MR. PROST: Object to form; outside the scope. A. Other than what's written here, I don't know how I can answer your question. Q. (By Ms. Scott) Turn to the page with Bates numbers, the last two numbers, 82. A. I'm sorry. What was your instruction? Q. Turn to the page, last two numbers 82. And at the bottom, we see "Validation Requirements"; do you see that? A. Yes. Q. "The process systems will be considered validated when the following requirements have been
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. What is a Scott volumeter? A. It's a device that allows you to test the loose bulk density by essentially creating a free flow of material into a one-inch cube. (Exhibit 53 was marked for identification.) Q. (By Ms. Scott) Mr. Downey, I'm going to hand you what's been marked as Exhibit 53 to your deposition. A. Do you have a paper clip? I just don't want it to get lost. Q. I'll see if I can put an exhibit sticker on the one that is. Oh, look at that. How about that? There might be duplicate copies here. In any case, here you go.	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	but that's the general essence of it. Q. (By Ms. Scott) Okay. And would all 60 tons of that ore be stockpiled in one single bin? MR. PROST: Object to form; outside the scope. A. Other than what's written here, I don't know how I can answer your question. Q. (By Ms. Scott) Turn to the page with Bates numbers, the last two numbers, 82. A. I'm sorry. What was your instruction? Q. Turn to the page, last two numbers 82. And at the bottom, we see "Validation Requirements"; do you see that? A. Yes. Q. "The process systems will be considered validated when the following requirements have been met."
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. What is a Scott volumeter? A. It's a device that allows you to test the loose bulk density by essentially creating a free flow of material into a one-inch cube. (Exhibit 53 was marked for identification.) Q. (By Ms. Scott) Mr. Downey, I'm going to hand you what's been marked as Exhibit 53 to your deposition. A. Do you have a paper clip? I just don't want it to get lost. Q. I'll see if I can put an exhibit sticker on the one that is. Oh, look at that. How about that? There might be duplicate copies here. In any case, here you go. Mr. Downey, we see here that this is a 1992	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	but that's the general essence of it. Q. (By Ms. Scott) Okay. And would all 60 tons of that ore be stockpiled in one single bin? MR. PROST: Object to form; outside the scope. A. Other than what's written here, I don't know how I can answer your question. Q. (By Ms. Scott) Turn to the page with Bates numbers, the last two numbers, 82. A. I'm sorry. What was your instruction? Q. Turn to the page, last two numbers 82. And at the bottom, we see "Validation Requirements"; do you see that? A. Yes. Q. "The process systems will be considered validated when the following requirements have been met." MR. PROST: Outside the scope.
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. What is a Scott volumeter? A. It's a device that allows you to test the loose bulk density by essentially creating a free flow of material into a one-inch cube. (Exhibit 53 was marked for identification.) Q. (By Ms. Scott) Mr. Downey, I'm going to hand you what's been marked as Exhibit 53 to your deposition. A. Do you have a paper clip? I just don't want it to get lost. Q. I'll see if I can put an exhibit sticker on the one that is. Oh, look at that. How about that? There might be duplicate copies here. In any case, here you go. Mr. Downey, we see here that this is a 1992 document from Cyprus Windsor Minerals Corporation.	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	but that's the general essence of it. Q. (By Ms. Scott) Okay. And would all 60 tons of that ore be stockpiled in one single bin? MR. PROST: Object to form; outside the scope. A. Other than what's written here, I don't know how I can answer your question. Q. (By Ms. Scott) Turn to the page with Bates numbers, the last two numbers, 82. A. I'm sorry. What was your instruction? Q. Turn to the page, last two numbers 82. And at the bottom, we see "Validation Requirements"; do you see that? A. Yes. Q. "The process systems will be considered validated when the following requirements have been met." MR. PROST: Outside the scope. Q. (By Ms. Scott) Did I read that

49 (Pages 448 to 451)

	Page 452		Page 454
1	Q. And do you have any idea of what	1	Q. Okay. And how many tons does it say
2	"validated" means in this context?	2	inside each of those boxes?
3	MR. PROST: Object to form.	3	A. 325 tons.
4	A. Process validation.	4	Q. Based on this, is it fair to say that
5	Q. (By Ms. Scott) And what does that mean?	5	the silos we were talking about earlier from which
6	A. Generally speaking, you're validating	6	a 4-ounce sample was taken for testing contained
7	that the process is in control.	7	approximately 325 tons?
8	Q. And if we turn to the next page, one of	8	MR. PROST: Object to form.
9	those requirements for validation in number 3 is	9	A. That's what the size that's indicated on
10	that "There will be no negative impact on	10	these.
11	production costs with the system as defined or with	11	Q. (By Ms. Scott) So the answer's "yes"?
12	any alterations to the system which are deemed	12	MR. PROST: Just object to form as it
13	necessary to properly control the product,"	13	relates to the prior document; foundation.
14	correct?	14	Q. (By Ms. Scott) Is the answer "yes"?
		15	A. Ask the question again, or read it back.
15	MR. PROST: Object to form.		* -
16	A. That's what it says. You're taking one	16	Q. Sure. Based on this document showing
17	section. I don't know what it means, but	17	that there are 325 tons for grade 66 talc in each
18	Q. (By Ms. Scott) Okay. Well, is it fair	18	of the silos, and we saw a document earlier that
19	to say from this section that for the process to be	19	showed that a 4-ounce sample was taken from a silo
20	validated, it had to not cost more money?	20	for testing for arsenic and heavy metals.
21	MR. PROST: Object to form.	21	MR. PROST: Object to form.
22	A. I don't know. It's a multi-page	22	A. Four ounces of a representative sample
23	document. That section says what it says. I don't	23	was taken for analysis.
24	know how to interpret it unless we spend time on	24	Q. (By Ms. Scott) Four ounces from the
25	the document.	25	silo was taken for analysis, correct?
	Page 453		Page 455
1	Q. (By Ms. Scott) Turn to the last two	1	A. No.
2	pages marked 88. On this page, we see at the	2	Q. Okay.
3	top, it says "Cyprus West Windsor," correct?	3	(Exhibit 54 was marked for identification.)
4	A. Yes.	4	Q. (By Ms. Scott) Mr. Downey, I'm going to
5	Q. And in the bottom right-hand corner, it	5	hand you what's been marked as Exhibit 54 to your
6	says, "West Windsor Mill flowchart," correct?	6	deposition.
7	A. Yes.	7	-
8			This is a 1978 document with the subject
0	O. And on the lob len-hand area, we see	8	This is a 1978 document with the subject "Reducing the Number of Ore Samples Collected for
9	Q. And on the top left-hand area, we see		"Reducing the Number of Ore Samples Collected for
9 10	25-ton ore storage.	9	"Reducing the Number of Ore Samples Collected for Analysis by McCrone Associates"; did I read that
10	25-ton ore storage. Do you know what that is, what that 25-ton	9	"Reducing the Number of Ore Samples Collected for Analysis by McCrone Associates"; did I read that correctly?
10 11	25-ton ore storage. Do you know what that is, what that 25-ton ore storage is?	9 10 11	"Reducing the Number of Ore Samples Collected for Analysis by McCrone Associates"; did I read that correctly? A. Yes. This was about ten or eleven years
10 11 12	25-ton ore storage. Do you know what that is, what that 25-ton ore storage is? MR. PROST: Object to form. Talking about	9 10 11 12	"Reducing the Number of Ore Samples Collected for Analysis by McCrone Associates"; did I read that correctly? A. Yes. This was about ten or eleven years before Cyprus purchased Windsor Minerals.
10 11 12 13	25-ton ore storage. Do you know what that is, what that 25-ton ore storage is? MR. PROST: Object to form. Talking about hundred ton?	9 10 11 12 13	"Reducing the Number of Ore Samples Collected for Analysis by McCrone Associates"; did I read that correctly? A. Yes. This was about ten or eleven years before Cyprus purchased Windsor Minerals. Q. Who is McCrone Associates?
10 11 12 13 14	25-ton ore storage. Do you know what that is, what that 25-ton ore storage is? MR. PROST: Object to form. Talking about hundred ton? Q. (By Ms. Scott) 2500 ton storage?	9 10 11 12 13 14	"Reducing the Number of Ore Samples Collected for Analysis by McCrone Associates"; did I read that correctly? A. Yes. This was about ten or eleven years before Cyprus purchased Windsor Minerals. Q. Who is McCrone Associates? MR. PROST: Object; outside the scope.
10 11 12 13 14 15	25-ton ore storage. Do you know what that is, what that 25-ton ore storage is? MR. PROST: Object to form. Talking about hundred ton? Q. (By Ms. Scott) 2500 ton storage? MR. PROST: I think you said 25. That's	9 10 11 12 13 14	"Reducing the Number of Ore Samples Collected for Analysis by McCrone Associates"; did I read that correctly? A. Yes. This was about ten or eleven years before Cyprus purchased Windsor Minerals. Q. Who is McCrone Associates? MR. PROST: Object; outside the scope. A. What's that?
10 11 12 13 14 15	25-ton ore storage. Do you know what that is, what that 25-ton ore storage is? MR. PROST: Object to form. Talking about hundred ton? Q. (By Ms. Scott) 2500 ton storage? MR. PROST: I think you said 25. That's all.	9 10 11 12 13 14 15	"Reducing the Number of Ore Samples Collected for Analysis by McCrone Associates"; did I read that correctly? A. Yes. This was about ten or eleven years before Cyprus purchased Windsor Minerals. Q. Who is McCrone Associates? MR. PROST: Object; outside the scope. A. What's that? Q. (By Ms. Scott) Who is McCrone
10 11 12 13 14 15 16	25-ton ore storage. Do you know what that is, what that 25-ton ore storage is? MR. PROST: Object to form. Talking about hundred ton? Q. (By Ms. Scott) 2500 ton storage? MR. PROST: I think you said 25. That's all. A. That's where they store the ore prior to	9 10 11 12 13 14 15 16	"Reducing the Number of Ore Samples Collected for Analysis by McCrone Associates"; did I read that correctly? A. Yes. This was about ten or eleven years before Cyprus purchased Windsor Minerals. Q. Who is McCrone Associates? MR. PROST: Object; outside the scope. A. What's that? Q. (By Ms. Scott) Who is McCrone Associates?
10 11 12 13 14 15 16 17	25-ton ore storage. Do you know what that is, what that 25-ton ore storage is? MR. PROST: Object to form. Talking about hundred ton? Q. (By Ms. Scott) 2500 ton storage? MR. PROST: I think you said 25. That's all. A. That's where they store the ore prior to feeding the plant.	9 10 11 12 13 14 15 16 17	"Reducing the Number of Ore Samples Collected for Analysis by McCrone Associates"; did I read that correctly? A. Yes. This was about ten or eleven years before Cyprus purchased Windsor Minerals. Q. Who is McCrone Associates? MR. PROST: Object; outside the scope. A. What's that? Q. (By Ms. Scott) Who is McCrone Associates? A. They're an analytical lab.
10 11 12 13 14 15 16 17 18	25-ton ore storage. Do you know what that is, what that 25-ton ore storage is? MR. PROST: Object to form. Talking about hundred ton? Q. (By Ms. Scott) 2500 ton storage? MR. PROST: I think you said 25. That's all. A. That's where they store the ore prior to feeding the plant. Q. (By Ms. Scott) Okay. And then if we	9 10 11 12 13 14 15 16 17 18	"Reducing the Number of Ore Samples Collected for Analysis by McCrone Associates"; did I read that correctly? A. Yes. This was about ten or eleven years before Cyprus purchased Windsor Minerals. Q. Who is McCrone Associates? MR. PROST: Object; outside the scope. A. What's that? Q. (By Ms. Scott) Who is McCrone Associates? A. They're an analytical lab. Q. In the first paragraph, we see that a
10 11 12 13 14 15 16 17 18 19 20	25-ton ore storage. Do you know what that is, what that 25-ton ore storage is? MR. PROST: Object to form. Talking about hundred ton? Q. (By Ms. Scott) 2500 ton storage? MR. PROST: I think you said 25. That's all. A. That's where they store the ore prior to feeding the plant. Q. (By Ms. Scott) Okay. And then if we look farther along onto the right, we see some	9 10 11 12 13 14 15 16 17 18 19 20	"Reducing the Number of Ore Samples Collected for Analysis by McCrone Associates"; did I read that correctly? A. Yes. This was about ten or eleven years before Cyprus purchased Windsor Minerals. Q. Who is McCrone Associates? MR. PROST: Object; outside the scope. A. What's that? Q. (By Ms. Scott) Who is McCrone Associates? A. They're an analytical lab. Q. In the first paragraph, we see that a summary of the analyses for asbestiform minerals
10 11 12 13 14 15 16 17 18 19 20 21	25-ton ore storage. Do you know what that is, what that 25-ton ore storage is? MR. PROST: Object to form. Talking about hundred ton? Q. (By Ms. Scott) 2500 ton storage? MR. PROST: I think you said 25. That's all. A. That's where they store the ore prior to feeding the plant. Q. (By Ms. Scott) Okay. And then if we look farther along onto the right, we see some silos there; do you see those?	9 10 11 12 13 14 15 16 17 18 19 20 21	"Reducing the Number of Ore Samples Collected for Analysis by McCrone Associates"; did I read that correctly? A. Yes. This was about ten or eleven years before Cyprus purchased Windsor Minerals. Q. Who is McCrone Associates? MR. PROST: Object; outside the scope. A. What's that? Q. (By Ms. Scott) Who is McCrone Associates? A. They're an analytical lab. Q. In the first paragraph, we see that a summary of the analyses for asbestiform minerals and Windsor Minerals ore samples was reported on
10 11 12 13 14 15 16 17 18 19 20 21 22	25-ton ore storage. Do you know what that is, what that 25-ton ore storage is? MR. PROST: Object to form. Talking about hundred ton? Q. (By Ms. Scott) 2500 ton storage? MR. PROST: I think you said 25. That's all. A. That's where they store the ore prior to feeding the plant. Q. (By Ms. Scott) Okay. And then if we look farther along onto the right, we see some silos there; do you see those? A. Oh, yes.	9 10 11 12 13 14 15 16 17 18 19 20 21 22	"Reducing the Number of Ore Samples Collected for Analysis by McCrone Associates"; did I read that correctly? A. Yes. This was about ten or eleven years before Cyprus purchased Windsor Minerals. Q. Who is McCrone Associates? MR. PROST: Object; outside the scope. A. What's that? Q. (By Ms. Scott) Who is McCrone Associates? A. They're an analytical lab. Q. In the first paragraph, we see that a summary of the analyses for asbestiform minerals and Windsor Minerals ore samples was reported on January 14, 1975, concerning a six-month ore study
10 11 12 13 14 15 16 17 18 19 20 21 22 23	25-ton ore storage. Do you know what that is, what that 25-ton ore storage is? MR. PROST: Object to form. Talking about hundred ton? Q. (By Ms. Scott) 2500 ton storage? MR. PROST: I think you said 25. That's all. A. That's where they store the ore prior to feeding the plant. Q. (By Ms. Scott) Okay. And then if we look farther along onto the right, we see some silos there; do you see those? A. Oh, yes. Q. Okay. And silos 1 through 6 are	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	"Reducing the Number of Ore Samples Collected for Analysis by McCrone Associates"; did I read that correctly? A. Yes. This was about ten or eleven years before Cyprus purchased Windsor Minerals. Q. Who is McCrone Associates? MR. PROST: Object; outside the scope. A. What's that? Q. (By Ms. Scott) Who is McCrone Associates? A. They're an analytical lab. Q. In the first paragraph, we see that a summary of the analyses for asbestiform minerals and Windsor Minerals ore samples was reported on January 14, 1975, concerning a six-month ore study on asbestiform content. "This report stated that
10 11 12 13 14 15 16 17 18 19 20 21 22	25-ton ore storage. Do you know what that is, what that 25-ton ore storage is? MR. PROST: Object to form. Talking about hundred ton? Q. (By Ms. Scott) 2500 ton storage? MR. PROST: I think you said 25. That's all. A. That's where they store the ore prior to feeding the plant. Q. (By Ms. Scott) Okay. And then if we look farther along onto the right, we see some silos there; do you see those? A. Oh, yes.	9 10 11 12 13 14 15 16 17 18 19 20 21 22	"Reducing the Number of Ore Samples Collected for Analysis by McCrone Associates"; did I read that correctly? A. Yes. This was about ten or eleven years before Cyprus purchased Windsor Minerals. Q. Who is McCrone Associates? MR. PROST: Object; outside the scope. A. What's that? Q. (By Ms. Scott) Who is McCrone Associates? A. They're an analytical lab. Q. In the first paragraph, we see that a summary of the analyses for asbestiform minerals and Windsor Minerals ore samples was reported on January 14, 1975, concerning a six-month ore study

50 (Pages 452 to 455)

	Page 456		Page 458
1	Minerals locations are free from asbestos or	1	read it correctly?
2	asbestiform material.' The ore samples analyzed	2	MR. SILVER: The witness can answer that
3	were composites representing all materials	3	question.
4	processed in the plants of Windsor Minerals from	4	A. You read it correctly.
5	June 3, 1974, to December 6, 1974."	5	Q. (By Ms. Scott) Have you seen this
6	And then in the next paragraph, it covers	6	document before?
7	mid-1975 to May 1978. "We reduced the number of	7	A. No. It's not an Imerys document.
8	samples in mid-1975 by taking biweekly composite	8	Q. Have you ever had any conversations with
9	ore samples; occasionally weekly composites are	9	anyone about the reduction of sampling at Windsor?
10	collected. Biweekly composites consist of 20 to 45	10	MR. PROST: Object to form.
11	5-gram ground ore samples, the exact number	11	A. This occurred a year before Cyprus
12	depending on the shift schedule in the mills."	12	purchased Windsor Minerals, and no, I have not
13	Then it goes down on to say that weekly	13	discussed this subject with anyone. This is a J&J
14	biweekly composites were analyzed, and it goes	14	document. I've never seen it before.
15	through a number of results from those analyses; do	15	MR. PROST: It might be off year to year.
16	you see that?	16	THE WITNESS: Pardon? What did I say?
17	MR. PROST: Object to form.	17	MR. PROST: A year before.
18	MR. SILVER: I'm about to place an objection	18	THE WITNESS: A year? Oh, sorry. Ten
19	as to scope, and I'm just waiting for a question	19	years. It's 1978. Late 1978. And the acquisition
20	other than "Do you see that" before I instruct the	20	was early 1989. So a little more than ten years.
21	witness whether to answer or not.	21	Q. (By Ms. Scott) Okay. You can put that
22	MS. SCOTT: Sure. My question's actually on	22	
23	page 2.	23	away. THE WITNESS: Thank you for the correction.
24	A. I was still way on page 1. You're on	24	(Exhibit 55 was marked for identification.)
25	page 2? Where you at?	25	Q. (By Ms. Scott) Mr. Downey, you've been
	Page 457	_	Page 459
1	Q. (By Ms. Scott) What I'm going to ask	1	handed what's been marked as Exhibit 55 to your
2	you about is at the top of page 2.	2	deposition. This is an October 5th, 1988, "Due
3	MR. SILVER: I'll instruct the witness to	3	Diligence of Windsor Minerals Quality Control
4	listen to the question but to wait for instruction	4	Program"; did I read that correctly?
5	from councel before encryaming		-
6	from counsel before answering.	5	MR. PROST: Objection; outside the scope.
	Q. (By Ms. Scott) Are you ready for my	6	MR. PROST: Objection; outside the scope. A. Yes.
7	Q. (By Ms. Scott) Are you ready for my question?	6 7	MR. PROST: Objection; outside the scope.A. Yes.Q. (By Ms. Scott) I want you to look at
7 8	Q. (By Ms. Scott) Are you ready for my question? A. Do you want me to read anything in	6 7 8	MR. PROST: Objection; outside the scope. A. Yes. Q. (By Ms. Scott) I want you to look at the bottom under "West Windsor Operations"; do you
7 8 9	Q. (By Ms. Scott) Are you ready for my question? A. Do you want me to read anything in particular or are you going to read something?	6 7 8 9	MR. PROST: Objection; outside the scope. A. Yes. Q. (By Ms. Scott) I want you to look at the bottom under "West Windsor Operations"; do you see that, under section 2?
7 8 9 10	Q. (By Ms. Scott) Are you ready for my question? A. Do you want me to read anything in particular or are you going to read something? Q. In the top of page 2, the heading is	6 7 8 9 10	MR. PROST: Objection; outside the scope. A. Yes. Q. (By Ms. Scott) I want you to look at the bottom under "West Windsor Operations"; do you see that, under section 2? A. Yes.
7 8 9 10 11	Q. (By Ms. Scott) Are you ready for my question? A. Do you want me to read anything in particular or are you going to read something? Q. In the top of page 2, the heading is "Tracing Samples to Source." It reads, "In using a	6 7 8 9 10 11	MR. PROST: Objection; outside the scope. A. Yes. Q. (By Ms. Scott) I want you to look at the bottom under "West Windsor Operations"; do you see that, under section 2? A. Yes. Q. We see "Turnover in the lab has been
7 8 9 10 11	Q. (By Ms. Scott) Are you ready for my question? A. Do you want me to read anything in particular or are you going to read something? Q. In the top of page 2, the heading is "Tracing Samples to Source." It reads, "In using a biweekly system of sample collection, we can with	6 7 8 9 10 11	MR. PROST: Objection; outside the scope. A. Yes. Q. (By Ms. Scott) I want you to look at the bottom under "West Windsor Operations"; do you see that, under section 2? A. Yes. Q. We see "Turnover in the lab has been relatively high in recent years to the relatively
7 8 9 10 11 12 13	Q. (By Ms. Scott) Are you ready for my question? A. Do you want me to read anything in particular or are you going to read something? Q. In the top of page 2, the heading is "Tracing Samples to Source." It reads, "In using a biweekly system of sample collection, we can with 99 percent accuracy trace samples to their source	6 7 8 9 10 11 12	MR. PROST: Objection; outside the scope. A. Yes. Q. (By Ms. Scott) I want you to look at the bottom under "West Windsor Operations"; do you see that, under section 2? A. Yes. Q. We see "Turnover in the lab has been relatively high in recent years to the relatively 'fixed' routine. The three full-time lab people
7 8 9 10 11 12 13 14	Q. (By Ms. Scott) Are you ready for my question? A. Do you want me to read anything in particular or are you going to read something? Q. In the top of page 2, the heading is "Tracing Samples to Source." It reads, "In using a biweekly system of sample collection, we can with 99 percent accuracy trace samples to their source at the Hammondsville Mine, and could continue to	6 7 8 9 10 11 12 13	MR. PROST: Objection; outside the scope. A. Yes. Q. (By Ms. Scott) I want you to look at the bottom under "West Windsor Operations"; do you see that, under section 2? A. Yes. Q. We see "Turnover in the lab has been relatively high in recent years to the relatively 'fixed' routine. The three full-time lab people have a total combined service history of two and a
7 8 9 10 11 12 13 14 15	Q. (By Ms. Scott) Are you ready for my question? A. Do you want me to read anything in particular or are you going to read something? Q. In the top of page 2, the heading is "Tracing Samples to Source." It reads, "In using a biweekly system of sample collection, we can with 99 percent accuracy trace samples to their source at the Hammondsville Mine, and could continue to trace samples to their source with a similar	6 7 8 9 10 11 12 13 14 15	MR. PROST: Objection; outside the scope. A. Yes. Q. (By Ms. Scott) I want you to look at the bottom under "West Windsor Operations"; do you see that, under section 2? A. Yes. Q. We see "Turnover in the lab has been relatively high in recent years to the relatively 'fixed' routine. The three full-time lab people have a total combined service history of two and a half years. Each new lab employee must be trained,
7 8 9 10 11 12 13 14 15 16	Q. (By Ms. Scott) Are you ready for my question? A. Do you want me to read anything in particular or are you going to read something? Q. In the top of page 2, the heading is "Tracing Samples to Source." It reads, "In using a biweekly system of sample collection, we can with 99 percent accuracy trace samples to their source at the Hammondsville Mine, and could continue to trace samples to their source with a similar accuracy if sampling was done on a triweekly or a	6 7 8 9 10 11 12 13 14 15 16	MR. PROST: Objection; outside the scope. A. Yes. Q. (By Ms. Scott) I want you to look at the bottom under "West Windsor Operations"; do you see that, under section 2? A. Yes. Q. We see "Turnover in the lab has been relatively high in recent years to the relatively 'fixed' routine. The three full-time lab people have a total combined service history of two and a half years. Each new lab employee must be trained, certified in all of the required tests before they
7 8 9 10 11 12 13 14 15	Q. (By Ms. Scott) Are you ready for my question? A. Do you want me to read anything in particular or are you going to read something? Q. In the top of page 2, the heading is "Tracing Samples to Source." It reads, "In using a biweekly system of sample collection, we can with 99 percent accuracy trace samples to their source at the Hammondsville Mine, and could continue to trace samples to their source with a similar accuracy if sampling was done on a triweekly or a monthly composite basis"; did I read that	6 7 8 9 10 11 12 13 14 15 16 17	MR. PROST: Objection; outside the scope. A. Yes. Q. (By Ms. Scott) I want you to look at the bottom under "West Windsor Operations"; do you see that, under section 2? A. Yes. Q. We see "Turnover in the lab has been relatively high in recent years to the relatively 'fixed' routine. The three full-time lab people have a total combined service history of two and a half years. Each new lab employee must be trained, certified in all of the required tests before they can work a solo shift. Vermont's soaring real
7 8 9 10 11 12 13 14 15 16	Q. (By Ms. Scott) Are you ready for my question? A. Do you want me to read anything in particular or are you going to read something? Q. In the top of page 2, the heading is "Tracing Samples to Source." It reads, "In using a biweekly system of sample collection, we can with 99 percent accuracy trace samples to their source at the Hammondsville Mine, and could continue to trace samples to their source with a similar accuracy if sampling was done on a triweekly or a monthly composite basis"; did I read that correctly?	6 7 8 9 10 11 12 13 14 15 16 17	MR. PROST: Objection; outside the scope. A. Yes. Q. (By Ms. Scott) I want you to look at the bottom under "West Windsor Operations"; do you see that, under section 2? A. Yes. Q. We see "Turnover in the lab has been relatively high in recent years to the relatively 'fixed' routine. The three full-time lab people have a total combined service history of two and a half years. Each new lab employee must be trained, certified in all of the required tests before they can work a solo shift. Vermont's soaring real estate prices combined with its low unemployment
7 8 9 10 11 12 13 14 15 16 17	Q. (By Ms. Scott) Are you ready for my question? A. Do you want me to read anything in particular or are you going to read something? Q. In the top of page 2, the heading is "Tracing Samples to Source." It reads, "In using a biweekly system of sample collection, we can with 99 percent accuracy trace samples to their source at the Hammondsville Mine, and could continue to trace samples to their source with a similar accuracy if sampling was done on a triweekly or a monthly composite basis"; did I read that	6 7 8 9 10 11 12 13 14 15 16 17	MR. PROST: Objection; outside the scope. A. Yes. Q. (By Ms. Scott) I want you to look at the bottom under "West Windsor Operations"; do you see that, under section 2? A. Yes. Q. We see "Turnover in the lab has been relatively high in recent years to the relatively 'fixed' routine. The three full-time lab people have a total combined service history of two and a half years. Each new lab employee must be trained, certified in all of the required tests before they can work a solo shift. Vermont's soaring real estate prices combined with its low unemployment skills [sic] makes it difficult to recruit skilled
7 8 9 10 11 12 13 14 15 16 17	Q. (By Ms. Scott) Are you ready for my question? A. Do you want me to read anything in particular or are you going to read something? Q. In the top of page 2, the heading is "Tracing Samples to Source." It reads, "In using a biweekly system of sample collection, we can with 99 percent accuracy trace samples to their source at the Hammondsville Mine, and could continue to trace samples to their source with a similar accuracy if sampling was done on a triweekly or a monthly composite basis"; did I read that correctly?	6 7 8 9 10 11 12 13 14 15 16 17	MR. PROST: Objection; outside the scope. A. Yes. Q. (By Ms. Scott) I want you to look at the bottom under "West Windsor Operations"; do you see that, under section 2? A. Yes. Q. We see "Turnover in the lab has been relatively high in recent years to the relatively 'fixed' routine. The three full-time lab people have a total combined service history of two and a half years. Each new lab employee must be trained, certified in all of the required tests before they can work a solo shift. Vermont's soaring real estate prices combined with its low unemployment skills [sic] makes it difficult to recruit skilled or some skilled technical personnel."
7 8 9 10 11 12 13 14 15 16 17 18	Q. (By Ms. Scott) Are you ready for my question? A. Do you want me to read anything in particular or are you going to read something? Q. In the top of page 2, the heading is "Tracing Samples to Source." It reads, "In using a biweekly system of sample collection, we can with 99 percent accuracy trace samples to their source at the Hammondsville Mine, and could continue to trace samples to their source with a similar accuracy if sampling was done on a triweekly or a monthly composite basis"; did I read that correctly? MR. PROST: Objection. Can I just have a	6 7 8 9 10 11 12 13 14 15 16 17 18	MR. PROST: Objection; outside the scope. A. Yes. Q. (By Ms. Scott) I want you to look at the bottom under "West Windsor Operations"; do you see that, under section 2? A. Yes. Q. We see "Turnover in the lab has been relatively high in recent years to the relatively 'fixed' routine. The three full-time lab people have a total combined service history of two and a half years. Each new lab employee must be trained, certified in all of the required tests before they can work a solo shift. Vermont's soaring real estate prices combined with its low unemployment skills [sic] makes it difficult to recruit skilled
7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. (By Ms. Scott) Are you ready for my question? A. Do you want me to read anything in particular or are you going to read something? Q. In the top of page 2, the heading is "Tracing Samples to Source." It reads, "In using a biweekly system of sample collection, we can with 99 percent accuracy trace samples to their source at the Hammondsville Mine, and could continue to trace samples to their source with a similar accuracy if sampling was done on a triweekly or a monthly composite basis"; did I read that correctly? MR. PROST: Objection. Can I just have a continuing objection to any questions relating to	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. PROST: Objection; outside the scope. A. Yes. Q. (By Ms. Scott) I want you to look at the bottom under "West Windsor Operations"; do you see that, under section 2? A. Yes. Q. We see "Turnover in the lab has been relatively high in recent years to the relatively 'fixed' routine. The three full-time lab people have a total combined service history of two and a half years. Each new lab employee must be trained, certified in all of the required tests before they can work a solo shift. Vermont's soaring real estate prices combined with its low unemployment skills [sic] makes it difficult to recruit skilled or some skilled technical personnel."
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. (By Ms. Scott) Are you ready for my question? A. Do you want me to read anything in particular or are you going to read something? Q. In the top of page 2, the heading is "Tracing Samples to Source." It reads, "In using a biweekly system of sample collection, we can with 99 percent accuracy trace samples to their source at the Hammondsville Mine, and could continue to trace samples to their source with a similar accuracy if sampling was done on a triweekly or a monthly composite basis"; did I read that correctly? MR. PROST: Objection. Can I just have a continuing objection to any questions relating to this document? It's clearly not related, and	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. PROST: Objection; outside the scope. A. Yes. Q. (By Ms. Scott) I want you to look at the bottom under "West Windsor Operations"; do you see that, under section 2? A. Yes. Q. We see "Turnover in the lab has been relatively high in recent years to the relatively 'fixed' routine. The three full-time lab people have a total combined service history of two and a half years. Each new lab employee must be trained, certified in all of the required tests before they can work a solo shift. Vermont's soaring real estate prices combined with its low unemployment skills [sic] makes it difficult to recruit skilled or some skilled technical personnel." MR. PROST: Objection.
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. (By Ms. Scott) Are you ready for my question? A. Do you want me to read anything in particular or are you going to read something? Q. In the top of page 2, the heading is "Tracing Samples to Source." It reads, "In using a biweekly system of sample collection, we can with 99 percent accuracy trace samples to their source at the Hammondsville Mine, and could continue to trace samples to their source with a similar accuracy if sampling was done on a triweekly or a monthly composite basis"; did I read that correctly? MR. PROST: Objection. Can I just have a continuing objection to any questions relating to this document? It's clearly not related, and outside the scope.	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. PROST: Objection; outside the scope. A. Yes. Q. (By Ms. Scott) I want you to look at the bottom under "West Windsor Operations"; do you see that, under section 2? A. Yes. Q. We see "Turnover in the lab has been relatively high in recent years to the relatively 'fixed' routine. The three full-time lab people have a total combined service history of two and a half years. Each new lab employee must be trained, certified in all of the required tests before they can work a solo shift. Vermont's soaring real estate prices combined with its low unemployment skills [sic] makes it difficult to recruit skilled or some skilled technical personnel." MR. PROST: Objection. Q. (By Ms. Scott) Did I read that

51 (Pages 456 to 459)

1	Page 460		Page 462
_	A. I think you said "skills" instead of	1	scope.
2	"level."	2	A. (Document reviewed.) Can or have it
3	Q. So is it fair to say that we see here	3	read back, please. Your question was, were
4	that West Windsor is having difficulty hiring and	4	these were the lab technicians the one running
5	maintaining skilled and some skilled personnel?	5	those tests?
6	MR. PROST: Objection.	6	Q. (By Ms. Scott) Right. We see that
7	A. That's what's said there, but it also	7	the
8	indicates that the overall quality program was	8	A. Yes, they were the ones.
9	judged to be excellent.	9	Q. Right. The turnover in the lab has been
10	Q. (By Ms. Scott) If you look under	10	high. And so my question was, is it fair to say
11	"Columbia Mill" on the second page of this	11	that the quality control people that have a
12	document, we see in this paragraph, "In addition to	12	combined two and a half years of experience that
13	supporting the QC requirements of the Columbia Mill	13	are subject to high turnover are the ones
14	and Shipping Center, this lab also runs ore samples	14	conducting these tests in 1989?
15	for mine control and arsenic samples for West	15	MR. PROST: Objection to form.
16	Windsor. During the third shift and weekends"	16	A. Yes. It also indicates that the each
17	A. Hang on. Are you what Bates number?	17	new lab employee is trained and certified in all of
18	Q. I'm under "Columbia Mill." I'm on the	18	the required steps before they work a solo shift.
19	second page of the document.	19	Q. (By Ms. Scott) Turn to the page
20	A. So Bates 90?	20	marked 92 for me, please, sir, last two digits, 92.
21	Q. Bates 90. It's the first heading at the	21	Under the last paragraph that's headed "West
22	top.	22	Windsor," do you see that just before the
23	A. Oh, I was down at the bottom. There's	23	signature? It reads, "If during the production of
24	another Columbia	24	product number 66, the color, density or in-sols
25	Q. Oh, you're getting ahead of me. Okay.	25	dip below spec, the product becomes number 96
1	Page 461		Page 463
		1	(avmost anda)", did I mad that appropriate?
1	A. Okay.	1	(export grade)"; did I read that correctly?
2	Q. So let me just have you take a look at	2	A. Yes.
2 3	Q. So let me just have you take a look at that paragraph that starts with "In addition to	2	A. Yes. Q. Where what happens to 96?
2 3 4	Q. So let me just have you take a look at that paragraph that starts with "In addition to supporting the QC requirements," and I'm going to	2 3 4	A. Yes. Q. Where what happens to 96? MR. PROST: Object to form.
2 3 4 5	Q. So let me just have you take a look at that paragraph that starts with "In addition to supporting the QC requirements," and I'm going to continue by reading that last sentence.	2 3 4 5	A. Yes.Q. Where what happens to 96?MR. PROST: Object to form.A. What do you mean what happens to it?
2 3 4 5 6	Q. So let me just have you take a look at that paragraph that starts with "In addition to supporting the QC requirements," and I'm going to continue by reading that last sentence. "During the third shift and weekends, the	2 3 4 5 6	 A. Yes. Q. Where what happens to 96? MR. PROST: Object to form. A. What do you mean what happens to it? Q. (By Ms. Scott) Is it used in cosmetic
2 3 4 5 6 7	Q. So let me just have you take a look at that paragraph that starts with "In addition to supporting the QC requirements," and I'm going to continue by reading that last sentence. "During the third shift and weekends, the shift foreman is required to perform the laboratory	2 3 4 5 6 7	 A. Yes. Q. Where what happens to 96? MR. PROST: Object to form. A. What do you mean what happens to it? Q. (By Ms. Scott) Is it used in cosmetic grade in any form?
2 3 4 5 6 7 8	Q. So let me just have you take a look at that paragraph that starts with "In addition to supporting the QC requirements," and I'm going to continue by reading that last sentence. "During the third shift and weekends, the shift foreman is required to perform the laboratory testing"; did I read that correctly?	2 3 4 5 6 7 8	A. Yes. Q. Where what happens to 96? MR. PROST: Object to form. A. What do you mean what happens to it? Q. (By Ms. Scott) Is it used in cosmetic grade in any form? MR. PROST: Same objection.
2 3 4 5 6 7 8 9	Q. So let me just have you take a look at that paragraph that starts with "In addition to supporting the QC requirements," and I'm going to continue by reading that last sentence. "During the third shift and weekends, the shift foreman is required to perform the laboratory testing"; did I read that correctly? A. That's what it says.	2 3 4 5 6 7 8	A. Yes. Q. Where what happens to 96? MR. PROST: Object to form. A. What do you mean what happens to it? Q. (By Ms. Scott) Is it used in cosmetic grade in any form? MR. PROST: Same objection. A. My understanding is that it was sold as
2 3 4 5 6 7 8 9	Q. So let me just have you take a look at that paragraph that starts with "In addition to supporting the QC requirements," and I'm going to continue by reading that last sentence. "During the third shift and weekends, the shift foreman is required to perform the laboratory testing"; did I read that correctly? A. That's what it says. Q. And under "Laboratory Equipment" and	2 3 4 5 6 7 8 9	A. Yes. Q. Where what happens to 96? MR. PROST: Object to form. A. What do you mean what happens to it? Q. (By Ms. Scott) Is it used in cosmetic grade in any form? MR. PROST: Same objection. A. My understanding is that it was sold as an export product.
2 3 4 5 6 7 8 9 10	Q. So let me just have you take a look at that paragraph that starts with "In addition to supporting the QC requirements," and I'm going to continue by reading that last sentence. "During the third shift and weekends, the shift foreman is required to perform the laboratory testing"; did I read that correctly? A. That's what it says. Q. And under "Laboratory Equipment" and "West Windsor Operations," it reads "requires	2 3 4 5 6 7 8 9 10	A. Yes. Q. Where what happens to 96? MR. PROST: Object to form. A. What do you mean what happens to it? Q. (By Ms. Scott) Is it used in cosmetic grade in any form? MR. PROST: Same objection. A. My understanding is that it was sold as an export product. Q. (By Ms. Scott) And exported to where?
2 3 4 5 6 7 8 9 10 11 12	Q. So let me just have you take a look at that paragraph that starts with "In addition to supporting the QC requirements," and I'm going to continue by reading that last sentence. "During the third shift and weekends, the shift foreman is required to perform the laboratory testing"; did I read that correctly? A. That's what it says. Q. And under "Laboratory Equipment" and "West Windsor Operations," it reads "requires on-site capabilities for conducting the following	2 3 4 5 6 7 8 9 10 11	A. Yes. Q. Where what happens to 96? MR. PROST: Object to form. A. What do you mean what happens to it? Q. (By Ms. Scott) Is it used in cosmetic grade in any form? MR. PROST: Same objection. A. My understanding is that it was sold as an export product. Q. (By Ms. Scott) And exported to where? MR. PROST: Objection to form.
2 3 4 5 6 7 8 9 10 11 12 13	Q. So let me just have you take a look at that paragraph that starts with "In addition to supporting the QC requirements," and I'm going to continue by reading that last sentence. "During the third shift and weekends, the shift foreman is required to perform the laboratory testing"; did I read that correctly? A. That's what it says. Q. And under "Laboratory Equipment" and "West Windsor Operations," it reads "requires on-site capabilities for conducting the following test." And in that list of things, we see number 8	2 3 4 5 6 7 8 9 10 11 12	A. Yes. Q. Where what happens to 96? MR. PROST: Object to form. A. What do you mean what happens to it? Q. (By Ms. Scott) Is it used in cosmetic grade in any form? MR. PROST: Same objection. A. My understanding is that it was sold as an export product. Q. (By Ms. Scott) And exported to where? MR. PROST: Objection to form. A. Outside the U.S. I don't know all of
2 3 4 5 6 7 8 9 10 11 12 13 14	Q. So let me just have you take a look at that paragraph that starts with "In addition to supporting the QC requirements," and I'm going to continue by reading that last sentence. "During the third shift and weekends, the shift foreman is required to perform the laboratory testing"; did I read that correctly? A. That's what it says. Q. And under "Laboratory Equipment" and "West Windsor Operations," it reads "requires on-site capabilities for conducting the following test." And in that list of things, we see number 8 is "Arsenic" and number 9 is "Heavy Metals,"	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yes. Q. Where what happens to 96? MR. PROST: Object to form. A. What do you mean what happens to it? Q. (By Ms. Scott) Is it used in cosmetic grade in any form? MR. PROST: Same objection. A. My understanding is that it was sold as an export product. Q. (By Ms. Scott) And exported to where? MR. PROST: Objection to form. A. Outside the U.S. I don't know all of the locations.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. So let me just have you take a look at that paragraph that starts with "In addition to supporting the QC requirements," and I'm going to continue by reading that last sentence. "During the third shift and weekends, the shift foreman is required to perform the laboratory testing"; did I read that correctly? A. That's what it says. Q. And under "Laboratory Equipment" and "West Windsor Operations," it reads "requires on-site capabilities for conducting the following test." And in that list of things, we see number 8 is "Arsenic" and number 9 is "Heavy Metals," correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Yes. Q. Where what happens to 96? MR. PROST: Object to form. A. What do you mean what happens to it? Q. (By Ms. Scott) Is it used in cosmetic grade in any form? MR. PROST: Same objection. A. My understanding is that it was sold as an export product. Q. (By Ms. Scott) And exported to where? MR. PROST: Objection to form. A. Outside the U.S. I don't know all of the locations. (Exhibit 56 was marked for identification.)
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. So let me just have you take a look at that paragraph that starts with "In addition to supporting the QC requirements," and I'm going to continue by reading that last sentence. "During the third shift and weekends, the shift foreman is required to perform the laboratory testing"; did I read that correctly? A. That's what it says. Q. And under "Laboratory Equipment" and "West Windsor Operations," it reads "requires on-site capabilities for conducting the following test." And in that list of things, we see number 8 is "Arsenic" and number 9 is "Heavy Metals," correct? MR. PROST: Objection.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. Q. Where what happens to 96? MR. PROST: Object to form. A. What do you mean what happens to it? Q. (By Ms. Scott) Is it used in cosmetic grade in any form? MR. PROST: Same objection. A. My understanding is that it was sold as an export product. Q. (By Ms. Scott) And exported to where? MR. PROST: Objection to form. A. Outside the U.S. I don't know all of the locations. (Exhibit 56 was marked for identification.) Q. (By Ms. Scott) Exhibit 56. Mr. Downey,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. So let me just have you take a look at that paragraph that starts with "In addition to supporting the QC requirements," and I'm going to continue by reading that last sentence. "During the third shift and weekends, the shift foreman is required to perform the laboratory testing"; did I read that correctly? A. That's what it says. Q. And under "Laboratory Equipment" and "West Windsor Operations," it reads "requires on-site capabilities for conducting the following test." And in that list of things, we see number 8 is "Arsenic" and number 9 is "Heavy Metals," correct? MR. PROST: Objection. A. It says "Arsenic - Wet" and "Heavy	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Yes. Q. Where what happens to 96? MR. PROST: Object to form. A. What do you mean what happens to it? Q. (By Ms. Scott) Is it used in cosmetic grade in any form? MR. PROST: Same objection. A. My understanding is that it was sold as an export product. Q. (By Ms. Scott) And exported to where? MR. PROST: Objection to form. A. Outside the U.S. I don't know all of the locations. (Exhibit 56 was marked for identification.) Q. (By Ms. Scott) Exhibit 56. Mr. Downey, this is a "Ludlow Mill, West Windsor Mill, Argonaut
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. So let me just have you take a look at that paragraph that starts with "In addition to supporting the QC requirements," and I'm going to continue by reading that last sentence. "During the third shift and weekends, the shift foreman is required to perform the laboratory testing"; did I read that correctly? A. That's what it says. Q. And under "Laboratory Equipment" and "West Windsor Operations," it reads "requires on-site capabilities for conducting the following test." And in that list of things, we see number 8 is "Arsenic" and number 9 is "Heavy Metals," correct? MR. PROST: Objection. A. It says "Arsenic - Wet" and "Heavy Metals - Wet Method."	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. Where what happens to 96? MR. PROST: Object to form. A. What do you mean what happens to it? Q. (By Ms. Scott) Is it used in cosmetic grade in any form? MR. PROST: Same objection. A. My understanding is that it was sold as an export product. Q. (By Ms. Scott) And exported to where? MR. PROST: Objection to form. A. Outside the U.S. I don't know all of the locations. (Exhibit 56 was marked for identification.) Q. (By Ms. Scott) Exhibit 56. Mr. Downey, this is a "Ludlow Mill, West Windsor Mill, Argonaut Mine Assurance Monitoring Program for Asbestos
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. So let me just have you take a look at that paragraph that starts with "In addition to supporting the QC requirements," and I'm going to continue by reading that last sentence. "During the third shift and weekends, the shift foreman is required to perform the laboratory testing"; did I read that correctly? A. That's what it says. Q. And under "Laboratory Equipment" and "West Windsor Operations," it reads "requires on-site capabilities for conducting the following test." And in that list of things, we see number 8 is "Arsenic" and number 9 is "Heavy Metals," correct? MR. PROST: Objection. A. It says "Arsenic - Wet" and "Heavy Metals - Wet Method." Q. (By Ms. Scott) Now, Mr. Downey, based	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. Where what happens to 96? MR. PROST: Object to form. A. What do you mean what happens to it? Q. (By Ms. Scott) Is it used in cosmetic grade in any form? MR. PROST: Same objection. A. My understanding is that it was sold as an export product. Q. (By Ms. Scott) And exported to where? MR. PROST: Objection to form. A. Outside the U.S. I don't know all of the locations. (Exhibit 56 was marked for identification.) Q. (By Ms. Scott) Exhibit 56. Mr. Downey, this is a "Ludlow Mill, West Windsor Mill, Argonaut Mine Assurance Monitoring Program for Asbestos Mineralogy," dated April 2nd, 2001; do you see
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. So let me just have you take a look at that paragraph that starts with "In addition to supporting the QC requirements," and I'm going to continue by reading that last sentence. "During the third shift and weekends, the shift foreman is required to perform the laboratory testing"; did I read that correctly? A. That's what it says. Q. And under "Laboratory Equipment" and "West Windsor Operations," it reads "requires on-site capabilities for conducting the following test." And in that list of things, we see number 8 is "Arsenic" and number 9 is "Heavy Metals," correct? MR. PROST: Objection. A. It says "Arsenic - Wet" and "Heavy Metals - Wet Method." Q. (By Ms. Scott) Now, Mr. Downey, based on your reading of the document, is it fair to say	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. Where what happens to 96? MR. PROST: Object to form. A. What do you mean what happens to it? Q. (By Ms. Scott) Is it used in cosmetic grade in any form? MR. PROST: Same objection. A. My understanding is that it was sold as an export product. Q. (By Ms. Scott) And exported to where? MR. PROST: Objection to form. A. Outside the U.S. I don't know all of the locations. (Exhibit 56 was marked for identification.) Q. (By Ms. Scott) Exhibit 56. Mr. Downey, this is a "Ludlow Mill, West Windsor Mill, Argonaut Mine Assurance Monitoring Program for Asbestos Mineralogy," dated April 2nd, 2001; do you see that?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. So let me just have you take a look at that paragraph that starts with "In addition to supporting the QC requirements," and I'm going to continue by reading that last sentence. "During the third shift and weekends, the shift foreman is required to perform the laboratory testing"; did I read that correctly? A. That's what it says. Q. And under "Laboratory Equipment" and "West Windsor Operations," it reads "requires on-site capabilities for conducting the following test." And in that list of things, we see number 8 is "Arsenic" and number 9 is "Heavy Metals," correct? MR. PROST: Objection. A. It says "Arsenic - Wet" and "Heavy Metals - Wet Method." Q. (By Ms. Scott) Now, Mr. Downey, based on your reading of the document, is it fair to say that the quality control people with a combined two	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. Where what happens to 96? MR. PROST: Object to form. A. What do you mean what happens to it? Q. (By Ms. Scott) Is it used in cosmetic grade in any form? MR. PROST: Same objection. A. My understanding is that it was sold as an export product. Q. (By Ms. Scott) And exported to where? MR. PROST: Objection to form. A. Outside the U.S. I don't know all of the locations. (Exhibit 56 was marked for identification.) Q. (By Ms. Scott) Exhibit 56. Mr. Downey, this is a "Ludlow Mill, West Windsor Mill, Argonaut Mine Assurance Monitoring Program for Asbestos Mineralogy," dated April 2nd, 2001; do you see that? A. Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. So let me just have you take a look at that paragraph that starts with "In addition to supporting the QC requirements," and I'm going to continue by reading that last sentence. "During the third shift and weekends, the shift foreman is required to perform the laboratory testing"; did I read that correctly? A. That's what it says. Q. And under "Laboratory Equipment" and "West Windsor Operations," it reads "requires on-site capabilities for conducting the following test." And in that list of things, we see number 8 is "Arsenic" and number 9 is "Heavy Metals," correct? MR. PROST: Objection. A. It says "Arsenic - Wet" and "Heavy Metals - Wet Method." Q. (By Ms. Scott) Now, Mr. Downey, based on your reading of the document, is it fair to say that the quality control people with a combined two and a half years of experience that are they're	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. Where what happens to 96? MR. PROST: Object to form. A. What do you mean what happens to it? Q. (By Ms. Scott) Is it used in cosmetic grade in any form? MR. PROST: Same objection. A. My understanding is that it was sold as an export product. Q. (By Ms. Scott) And exported to where? MR. PROST: Objection to form. A. Outside the U.S. I don't know all of the locations. (Exhibit 56 was marked for identification.) Q. (By Ms. Scott) Exhibit 56. Mr. Downey, this is a "Ludlow Mill, West Windsor Mill, Argonaut Mine Assurance Monitoring Program for Asbestos Mineralogy," dated April 2nd, 2001; do you see that? A. Yes. Q. In the first paragraph it reads,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. So let me just have you take a look at that paragraph that starts with "In addition to supporting the QC requirements," and I'm going to continue by reading that last sentence. "During the third shift and weekends, the shift foreman is required to perform the laboratory testing"; did I read that correctly? A. That's what it says. Q. And under "Laboratory Equipment" and "West Windsor Operations," it reads "requires on-site capabilities for conducting the following test." And in that list of things, we see number 8 is "Arsenic" and number 9 is "Heavy Metals," correct? MR. PROST: Objection. A. It says "Arsenic - Wet" and "Heavy Metals - Wet Method." Q. (By Ms. Scott) Now, Mr. Downey, based on your reading of the document, is it fair to say that the quality control people with a combined two and a half years of experience that are they're having a problem maintaining are the ones	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yes. Q. Where what happens to 96? MR. PROST: Object to form. A. What do you mean what happens to it? Q. (By Ms. Scott) Is it used in cosmetic grade in any form? MR. PROST: Same objection. A. My understanding is that it was sold as an export product. Q. (By Ms. Scott) And exported to where? MR. PROST: Objection to form. A. Outside the U.S. I don't know all of the locations. (Exhibit 56 was marked for identification.) Q. (By Ms. Scott) Exhibit 56. Mr. Downey, this is a "Ludlow Mill, West Windsor Mill, Argonaut Mine Assurance Monitoring Program for Asbestos Mineralogy," dated April 2nd, 2001; do you see that? A. Yes. Q. In the first paragraph it reads, "Argonaut Mine Feed to West Windsor Mill is sampled
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. So let me just have you take a look at that paragraph that starts with "In addition to supporting the QC requirements," and I'm going to continue by reading that last sentence. "During the third shift and weekends, the shift foreman is required to perform the laboratory testing"; did I read that correctly? A. That's what it says. Q. And under "Laboratory Equipment" and "West Windsor Operations," it reads "requires on-site capabilities for conducting the following test." And in that list of things, we see number 8 is "Arsenic" and number 9 is "Heavy Metals," correct? MR. PROST: Objection. A. It says "Arsenic - Wet" and "Heavy Metals - Wet Method." Q. (By Ms. Scott) Now, Mr. Downey, based on your reading of the document, is it fair to say that the quality control people with a combined two and a half years of experience that are they're	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. Where what happens to 96? MR. PROST: Object to form. A. What do you mean what happens to it? Q. (By Ms. Scott) Is it used in cosmetic grade in any form? MR. PROST: Same objection. A. My understanding is that it was sold as an export product. Q. (By Ms. Scott) And exported to where? MR. PROST: Objection to form. A. Outside the U.S. I don't know all of the locations. (Exhibit 56 was marked for identification.) Q. (By Ms. Scott) Exhibit 56. Mr. Downey, this is a "Ludlow Mill, West Windsor Mill, Argonaut Mine Assurance Monitoring Program for Asbestos Mineralogy," dated April 2nd, 2001; do you see that? A. Yes. Q. In the first paragraph it reads,

52 (Pages 460 to 463)

	Page 464		Page 466
1	daily samples (three- to eight-hour samples from an	1	MR. PROST: Object to form.
2	automatic sampler) of Roller Mill feed to the	2	A. For what parameters?
3	plantation circuit (whole ore samples) "(whole	3	Q. (By Ms. Scott) Well, in this situation,
4	ore samples)," correct?	4	it's for the detection of chrysotile. It was found
5	A. That's what it says.	5	in one composite sample and then a different
6	Q. What is an auto sampler?	6	composite sample was tested and didn't find it.
7	A. An auto sampler?	7	How do we know that those two samples were
8	Q. Mm-hmm.	8	identical?
9	A. It's a device that automatically takes	9	MR. PROST: Object to form.
10	samples.	10	A. The composite sample was collected from
11	Q. From where? From what part in the	11	an automatic sampler that typically, the way an
12	process?	12	automatic sampler works is that on a regular time
13	A. Wherever it's located.	13	frequency, the sampler is programmed to gather a
14	Q. So it can be anywhere within the mine?	14	stream of the material that is being processed at
15	A. This isn't at the mine.	15	that time and collected so that you are getting an
16	Q. I'm sorry. Anywhere in the processing?	16	unbiased representative sample over the entire
17	A. It needs to be located in a place where	17	period of production. And then, as we've seen in
18	you can actually grab a sample, or where sorry,	18	the other standard operating procedures, that the
19	it can automatically collect samples.	19	composite samples are then well-mixed before the
20	Q. In the middle of the page, it reads,	20	other samples are extracted from them.
21	"Out of hundreds of such samples, on one occasion,	21	Q. (By Ms. Scott) My question is a little
22	Bain reported detection of chrysotile fibers in a	22	more elementary than that.
23	Windsor Feed sample. A retest, on a duplicate,	23	And it is, what guarantee does Imerys have
24	sealed sample, failed to confirm the finding"; do	24	that each sample taken from a composite will be
25	you see that?	25	near enough in composition that you can make
	Page 465		Page 467
1	A. Yes.	1	determinations about the whole based on a retest of
2	Q. How is retested material gathered from	2	the second sample?
3	the composite?	3	MR. PROST: Objection to form.
4	A. I don't know what you mean.	4	A. I think that you are have gone into
5	Q. Well, this material was retested, the	5	an area that is in the expertise of Julie Pier.
6	material that the sample that originally	6	That's the repeatability aspect and how it affects
7	detected chrysotile was resampled, correct? Or	7	detection limits and things like that, so I would
8	retested. Sorry.	8	defer that to question to her.
9	A. No. It says that the retest was on a	9	(Exhibit 57 was marked for identification.)
10	duplicate sealed sample.	10	Q. Exhibit 57. Mr. Downey, Exhibit 57 is A
11	Q. Okay. If made up of a composite,	11	Plant Operations Manual for Luzenac America West
12	composite is not from the strike that.	12	Windsor Vermont, dated 3/30/98; do you see that?
13	Can Imerys ever have assurance that a	13	A. Yes.
14	retested sample will be identical to the original	14	Q. And PO 8.2 in the middle of the first
15	sample based on the variability that is naturally	15	page, we see "Procedures for Sampling Crude Ore";
16	occurring within the mines?	16	do you see that?
17	MR. PROST: Object to form.	17	A. Yes.
18	A. I don't know if I follow your question.	18	Q. Okay. Have you seen this document
19	Q. (By Ms. Scott) Every composite sample	19	before?
20	will inevitably be different, correct?	20	A. No.
21	A. I don't think I could agree to that.	21	Q. If you'll turn to page marked, last two
22	That seems like an overstatement.	22	digits, 26.
22 23	That seems like an overstatement. Q. Okay. Let me go the other way, then.	22 23	digits, 26. A. 606026?
			_

53 (Pages 464 to 467)

	Page 468		Page 470
1	grade 66 product, right?	1	15, 17, 19, and 21. These samples will be combined
2	A. Yes.	2	into one composite sample.
3	Q. Okay. Why would Imerys do microbial	3	My question is, sir, what is the point of
4	sampling? What was the purpose of doing microbial	4	taking from the odd-number bulk bags or pallets if
5	sampling?	5	the initial sample is found to be out of spec?
6	A. Because the product needs to be	6	A. I don't know how what this has to do
7	essentially sterile for its use. That was a	7	with grade 66, because that was in silos and
8	requirement from Johnson & Johnson.	8	shipped in bulk, so this doesn't even seem to be
9	Q. If we look on the page, last two	9	relevant.
10	digits, 27, under 8.4.4 under "Float Feed (Post	10	Q. You don't believe that this has to do
11	roller milled)" do you see that, the penultimate	11	with samples that are out of spec that are
12	paragraph there?	12	eventually going to be potentially used for
13	A. I see it there.	13	cosmetic-grade talc?
14	Q. And Section 8.4.4.1 shows that three	14	A. I can't tell what type of product that's
15	samples per week on different days are taken from	15	even indicating. West Windsor did produce other
16	eight-hour composite bags of float feed as	16	products besides cosmetic talc.
17	collected by the auto sampler.	17	Q. Okay. If this is cosmetic-grade talc,
18	What is a describe the eight-hour	18	you are here to testify about sampling, what would
19	composite bags. How does that get filled?	19	be the wisdom behind taking from the odd number of
20	A. How does it get filled?	20	bulk bags or pallet numbers to resample an initial
21	Q. Mm-hmm.	21	out-of-spec finding?
22	A. I don't know if it's described elsewhere	22	MR. PROST: Object to form.
23	in another SOP. This seems to be like an	23	A. The product for Johnson & Johnson was
24	overarching document, but generally, from what I	24	stored in silos and shipped in bulk railcars. This
25	can read from this, the an auto sampler was	25	doesn't relate to products shipped in bulk. I
	Page 469		Page 471
1	taking samples over the eight-hour period for a	1	can't tell if this applies to cosmetic grade, so I
2	shift.	2	don't think I can even begin with the suggestion
3	Q. And placing it into bags from which	3	that you made. And I don't know what the other
4	samples would later be taken?	4	sampling protocol would have been for the bagged
5	A. I think that's what this says.	5	and palletized-type product, so I don't have enough
6	Q. Okay. And then turn to page 3 the	6	information to answer your question.
7	last two digits, 31, so 60631, for me. Under	7	Q. (By Ms. Scott) In sampling
8	"PO 8.7 Testing and Clearance," we see that	8	cosmetic-grade talc, if an initial sample was found
9	"Shipment samples are required to meet finished	9	to be out of spec, did Imerys have a practice of
10	product specifications as documented in PO 3.0,	10	taking a second round of samples from odd numbers
11	Finished Product Specifications, and tested	11	of composite samples for retest?
12	according to test procedure as documented in	12	A. Generally speaking, if a product was out
13	PO 4.0, Test Procedures and Equipment."	13	of specification, there's typically a retest
14	In 8.7.2, just below that, we see	14	procedure before just discarding the product as out
15	instructions on what would happen if something is	15	of spec. It was tested again.
16	out of spec; would you agree that assessment?	16	Q. Okay. And with cosmetic-grade talc, if
17	A. Can I read it?	17	the retest also found the sample to be out of spec,
18	Q. Mm-hmm.	18	what happened then?
19	A. (Document reviewed.) Okay. What's your	19	A. Then it would be rejected.
20	question?	20	Q. Okay. Take a look at Section 8.7.3
21	Q. Okay. So it says, (as read:) If the	21	here. It says, "Should the second round of
22	initial shipment auto or probe composite sample for	22	sampling fail to meet proper specifications, the
23	a load is tested and is found to be out-of-spec,	23	order will be rejected and not shipped."
24 25	then a second round of samples shall be taken from bulk bag or pallet number 1, 3, 5, 7, 9, 11, 13,	24 25	That's what you're saying, right? A. I think that's what I just said. Yes,

54 (Pages 468 to 471)

1	Page 472		Page 474
	ma'am.	1	could be used for cosmetic-grade talc if the
2	Q. Okay. But in 8.7.4, it says,	2	finding, the out-of-spec finding, was arsenic?
3	"Additional samples will be taken to determine if	3	MR. PROST: Object to form.
4	any portion of a bag or bulk shipment can be	4	A. Generally speaking, I would think
5	released for shipment"; did I read that correctly?	5	arsenic, probably not. The example I was thinking
6	MR. PROST: Object to form.	6	was if it was color or some other parameter that
7	A. That's what it said.	7	was out of spec, and maybe the customer could
8	Q. (By Ms. Scott) So is this a situation	8	approve a deviation from the specification, and
9	where we've taken one sample, it's out of spec, a	9	that can happen.
10	second sample is taken, it's out of spec, but	10	(Exhibit 58 was marked for identification.)
11	Imerys is going back and finding if anything within	11	Q. (By Ms. Scott) I'm going to hand you
12	that bulk shipment can be usable after two	12	Exhibit 58.
13	out-of-spec findings?	13	Mr. Downey, Exhibit 58 is a standard
14	MR. PROST: Object to form.	14	operating procedure, dated June 10, 1987, and
15	A. One thing that can happen is that there	15	it's the procedure is "Frequency of Analysis -
16	are various specifications for various products.	16	Cosmetic"; do you see that?
17	And it might not meet the specification for the	17	A. Yes.
18	product that it was intended to be manufactured	18	Q. And here we see in the third paragraph
19	for, but it there is potential that it could	19	down that "The two hour cosmetic testing and the
20	meet the specification of a let's say an	20	testing of the float feed and ore satisfies the
21	industrial-grade product. And in that case, that	21	need of the mill to monitor its production in order
22	could happen.	22	to insure that they are making a quality product";
23	Q. That's not what it says, though, is it?	23	did I read that correctly?
24	MR. PROST: Object to form.	24	A. That's what it says.
25	Q. (By Ms. Scott) It just says, "If any	25	Q. Okay. And describe the two-hour
	Page 473		Page 475
1	portion of the bag or bulk shipment can be released	1	cosmetic testing described here, if you will.
2	for shipment," right? It doesn't say, "released	2	MR. PROST: Object to form; outside the
3	for other purposes."		
4		4	-
_	Δ Rut "released for shipment" could be for	3	scope.
5	A. But "released for shipment" could be for	4	scope. A. This is a Windsor Minerals document. It
5 6	another purpose.	4 5	scope. A. This is a Windsor Minerals document. It predates the acquisition by Cyprus. The two-hour
6	another purpose. Q. Okay. What is the point of a	4 5 6	scope. A. This is a Windsor Minerals document. It predates the acquisition by Cyprus. The two-hour cosmetic testing that's referenced here I would
6 7	another purpose. Q. Okay. What is the point of a representative sample if we're going to go beyond	4 5 6 7	A. This is a Windsor Minerals document. It predates the acquisition by Cyprus. The two-hour cosmetic testing that's referenced here I would expect is described in a different SOP.
6 7 8	another purpose. Q. Okay. What is the point of a representative sample if we're going to go beyond two out-of-spec findings to try to use some of the	4 5 6 7 8	A. This is a Windsor Minerals document. It predates the acquisition by Cyprus. The two-hour cosmetic testing that's referenced here I would expect is described in a different SOP. Q. (By Ms. Scott) If you turn to page 2 of
6 7 8 9	another purpose. Q. Okay. What is the point of a representative sample if we're going to go beyond two out-of-spec findings to try to use some of the shipment? Isn't Imerys bypassing the	4 5 6 7 8 9	A. This is a Windsor Minerals document. It predates the acquisition by Cyprus. The two-hour cosmetic testing that's referenced here I would expect is described in a different SOP. Q. (By Ms. Scott) If you turn to page 2 of the document for me, and number 16, and just so we
6 7 8 9 10	another purpose. Q. Okay. What is the point of a representative sample if we're going to go beyond two out-of-spec findings to try to use some of the shipment? Isn't Imerys bypassing the representative sample system through this protocol?	4 5 6 7 8 9	A. This is a Windsor Minerals document. It predates the acquisition by Cyprus. The two-hour cosmetic testing that's referenced here I would expect is described in a different SOP. Q. (By Ms. Scott) If you turn to page 2 of the document for me, and number 16, and just so we know what we're talking about, we're talking about
6 7 8 9 10 11	another purpose. Q. Okay. What is the point of a representative sample if we're going to go beyond two out-of-spec findings to try to use some of the shipment? Isn't Imerys bypassing the representative sample system through this protocol? MR. PROST: Object to form.	4 5 6 7 8 9 10	A. This is a Windsor Minerals document. It predates the acquisition by Cyprus. The two-hour cosmetic testing that's referenced here I would expect is described in a different SOP. Q. (By Ms. Scott) If you turn to page 2 of the document for me, and number 16, and just so we know what we're talking about, we're talking about the schedule, the frequency of analysis schedule,
6 7 8 9 10 11	another purpose. Q. Okay. What is the point of a representative sample if we're going to go beyond two out-of-spec findings to try to use some of the shipment? Isn't Imerys bypassing the representative sample system through this protocol? MR. PROST: Object to form. A. I don't know I'd agree with that.	4 5 6 7 8 9 10 11	A. This is a Windsor Minerals document. It predates the acquisition by Cyprus. The two-hour cosmetic testing that's referenced here I would expect is described in a different SOP. Q. (By Ms. Scott) If you turn to page 2 of the document for me, and number 16, and just so we know what we're talking about, we're talking about the schedule, the frequency of analysis schedule, for cosmetic talc, right?
6 7 8 9 10 11 12 13	another purpose. Q. Okay. What is the point of a representative sample if we're going to go beyond two out-of-spec findings to try to use some of the shipment? Isn't Imerys bypassing the representative sample system through this protocol? MR. PROST: Object to form. A. I don't know I'd agree with that. Q. (By Ms. Scott) Do you think that this	4 5 6 7 8 9 10 11 12	A. This is a Windsor Minerals document. It predates the acquisition by Cyprus. The two-hour cosmetic testing that's referenced here I would expect is described in a different SOP. Q. (By Ms. Scott) If you turn to page 2 of the document for me, and number 16, and just so we know what we're talking about, we're talking about the schedule, the frequency of analysis schedule, for cosmetic talc, right? A. Yes.
6 7 8 9 10 11 12 13 14	another purpose. Q. Okay. What is the point of a representative sample if we're going to go beyond two out-of-spec findings to try to use some of the shipment? Isn't Imerys bypassing the representative sample system through this protocol? MR. PROST: Object to form. A. I don't know I'd agree with that. Q. (By Ms. Scott) Do you think that this system would be appropriate if applied to cosmetic	4 5 6 7 8 9 10 11 12 13 14	A. This is a Windsor Minerals document. It predates the acquisition by Cyprus. The two-hour cosmetic testing that's referenced here I would expect is described in a different SOP. Q. (By Ms. Scott) If you turn to page 2 of the document for me, and number 16, and just so we know what we're talking about, we're talking about the schedule, the frequency of analysis schedule, for cosmetic talc, right? A. Yes. Q. Okay. And so this is a list of
6 7 8 9 10 11 12 13 14 15	another purpose. Q. Okay. What is the point of a representative sample if we're going to go beyond two out-of-spec findings to try to use some of the shipment? Isn't Imerys bypassing the representative sample system through this protocol? MR. PROST: Object to form. A. I don't know I'd agree with that. Q. (By Ms. Scott) Do you think that this system would be appropriate if applied to cosmetic talc?	4 5 6 7 8 9 10 11 12 13 14	A. This is a Windsor Minerals document. It predates the acquisition by Cyprus. The two-hour cosmetic testing that's referenced here I would expect is described in a different SOP. Q. (By Ms. Scott) If you turn to page 2 of the document for me, and number 16, and just so we know what we're talking about, we're talking about the schedule, the frequency of analysis schedule, for cosmetic talc, right? A. Yes. Q. Okay. And so this is a list of different minerals that are being tested on various
6 7 8 9 10 11 12 13 14 15	another purpose. Q. Okay. What is the point of a representative sample if we're going to go beyond two out-of-spec findings to try to use some of the shipment? Isn't Imerys bypassing the representative sample system through this protocol? MR. PROST: Object to form. A. I don't know I'd agree with that. Q. (By Ms. Scott) Do you think that this system would be appropriate if applied to cosmetic talc? MR. PROST: Object to form.	4 5 6 7 8 9 10 11 12 13 14 15 16	A. This is a Windsor Minerals document. It predates the acquisition by Cyprus. The two-hour cosmetic testing that's referenced here I would expect is described in a different SOP. Q. (By Ms. Scott) If you turn to page 2 of the document for me, and number 16, and just so we know what we're talking about, we're talking about the schedule, the frequency of analysis schedule, for cosmetic talc, right? A. Yes. Q. Okay. And so this is a list of different minerals that are being tested on various schedule. And in number 16, we see asbestos,
6 7 8 9 10 11 12 13 14 15 16 17	another purpose. Q. Okay. What is the point of a representative sample if we're going to go beyond two out-of-spec findings to try to use some of the shipment? Isn't Imerys bypassing the representative sample system through this protocol? MR. PROST: Object to form. A. I don't know I'd agree with that. Q. (By Ms. Scott) Do you think that this system would be appropriate if applied to cosmetic talc? MR. PROST: Object to form. A. I think it would depend on the	4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. This is a Windsor Minerals document. It predates the acquisition by Cyprus. The two-hour cosmetic testing that's referenced here I would expect is described in a different SOP. Q. (By Ms. Scott) If you turn to page 2 of the document for me, and number 16, and just so we know what we're talking about, we're talking about the schedule, the frequency of analysis schedule, for cosmetic talc, right? A. Yes. Q. Okay. And so this is a list of different minerals that are being tested on various schedule. And in number 16, we see asbestos, right?
6 7 8 9 10 11 12 13 14 15 16 17	another purpose. Q. Okay. What is the point of a representative sample if we're going to go beyond two out-of-spec findings to try to use some of the shipment? Isn't Imerys bypassing the representative sample system through this protocol? MR. PROST: Object to form. A. I don't know I'd agree with that. Q. (By Ms. Scott) Do you think that this system would be appropriate if applied to cosmetic talc? MR. PROST: Object to form. A. I think it would depend on the particular specification that the material was out	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. This is a Windsor Minerals document. It predates the acquisition by Cyprus. The two-hour cosmetic testing that's referenced here I would expect is described in a different SOP. Q. (By Ms. Scott) If you turn to page 2 of the document for me, and number 16, and just so we know what we're talking about, we're talking about the schedule, the frequency of analysis schedule, for cosmetic talc, right? A. Yes. Q. Okay. And so this is a list of different minerals that are being tested on various schedule. And in number 16, we see asbestos, right? A. It's not just minerals that are being
6 7 8 9 10 11 12 13 14 15 16 17 18	another purpose. Q. Okay. What is the point of a representative sample if we're going to go beyond two out-of-spec findings to try to use some of the shipment? Isn't Imerys bypassing the representative sample system through this protocol? MR. PROST: Object to form. A. I don't know I'd agree with that. Q. (By Ms. Scott) Do you think that this system would be appropriate if applied to cosmetic talc? MR. PROST: Object to form. A. I think it would depend on the particular specification that the material was out of spec for.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. This is a Windsor Minerals document. It predates the acquisition by Cyprus. The two-hour cosmetic testing that's referenced here I would expect is described in a different SOP. Q. (By Ms. Scott) If you turn to page 2 of the document for me, and number 16, and just so we know what we're talking about, we're talking about the schedule, the frequency of analysis schedule, for cosmetic talc, right? A. Yes. Q. Okay. And so this is a list of different minerals that are being tested on various schedule. And in number 16, we see asbestos, right? A. It's not just minerals that are being tested, but
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	another purpose. Q. Okay. What is the point of a representative sample if we're going to go beyond two out-of-spec findings to try to use some of the shipment? Isn't Imerys bypassing the representative sample system through this protocol? MR. PROST: Object to form. A. I don't know I'd agree with that. Q. (By Ms. Scott) Do you think that this system would be appropriate if applied to cosmetic talc? MR. PROST: Object to form. A. I think it would depend on the particular specification that the material was out of spec for. Q. (By Ms. Scott) Let me ask it a	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. This is a Windsor Minerals document. It predates the acquisition by Cyprus. The two-hour cosmetic testing that's referenced here I would expect is described in a different SOP. Q. (By Ms. Scott) If you turn to page 2 of the document for me, and number 16, and just so we know what we're talking about, we're talking about the schedule, the frequency of analysis schedule, for cosmetic talc, right? A. Yes. Q. Okay. And so this is a list of different minerals that are being tested on various schedule. And in number 16, we see asbestos, right? A. It's not just minerals that are being tested, but Q. You're right. Various tests are being
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	another purpose. Q. Okay. What is the point of a representative sample if we're going to go beyond two out-of-spec findings to try to use some of the shipment? Isn't Imerys bypassing the representative sample system through this protocol? MR. PROST: Object to form. A. I don't know I'd agree with that. Q. (By Ms. Scott) Do you think that this system would be appropriate if applied to cosmetic talc? MR. PROST: Object to form. A. I think it would depend on the particular specification that the material was out of spec for. Q. (By Ms. Scott) Let me ask it a different way.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. This is a Windsor Minerals document. It predates the acquisition by Cyprus. The two-hour cosmetic testing that's referenced here I would expect is described in a different SOP. Q. (By Ms. Scott) If you turn to page 2 of the document for me, and number 16, and just so we know what we're talking about, we're talking about the schedule, the frequency of analysis schedule, for cosmetic talc, right? A. Yes. Q. Okay. And so this is a list of different minerals that are being tested on various schedule. And in number 16, we see asbestos, right? A. It's not just minerals that are being tested, but Q. You're right. Various tests are being performed, right?
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	another purpose. Q. Okay. What is the point of a representative sample if we're going to go beyond two out-of-spec findings to try to use some of the shipment? Isn't Imerys bypassing the representative sample system through this protocol? MR. PROST: Object to form. A. I don't know I'd agree with that. Q. (By Ms. Scott) Do you think that this system would be appropriate if applied to cosmetic talc? MR. PROST: Object to form. A. I think it would depend on the particular specification that the material was out of spec for. Q. (By Ms. Scott) Let me ask it a different way. If cosmetic talc was found to be out of spec	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. This is a Windsor Minerals document. It predates the acquisition by Cyprus. The two-hour cosmetic testing that's referenced here I would expect is described in a different SOP. Q. (By Ms. Scott) If you turn to page 2 of the document for me, and number 16, and just so we know what we're talking about, we're talking about the schedule, the frequency of analysis schedule, for cosmetic talc, right? A. Yes. Q. Okay. And so this is a list of different minerals that are being tested on various schedule. And in number 16, we see asbestos, right? A. It's not just minerals that are being tested, but Q. You're right. Various tests are being performed, right? A. Yes.
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	another purpose. Q. Okay. What is the point of a representative sample if we're going to go beyond two out-of-spec findings to try to use some of the shipment? Isn't Imerys bypassing the representative sample system through this protocol? MR. PROST: Object to form. A. I don't know I'd agree with that. Q. (By Ms. Scott) Do you think that this system would be appropriate if applied to cosmetic talc? MR. PROST: Object to form. A. I think it would depend on the particular specification that the material was out of spec for. Q. (By Ms. Scott) Let me ask it a different way. If cosmetic talc was found to be out of spec not once, but twice, do you believe that it would	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. This is a Windsor Minerals document. It predates the acquisition by Cyprus. The two-hour cosmetic testing that's referenced here I would expect is described in a different SOP. Q. (By Ms. Scott) If you turn to page 2 of the document for me, and number 16, and just so we know what we're talking about, we're talking about the schedule, the frequency of analysis schedule, for cosmetic talc, right? A. Yes. Q. Okay. And so this is a list of different minerals that are being tested on various schedule. And in number 16, we see asbestos, right? A. It's not just minerals that are being tested, but Q. You're right. Various tests are being performed, right? A. Yes. Q. Okay. And in number 16, it discusses
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	another purpose. Q. Okay. What is the point of a representative sample if we're going to go beyond two out-of-spec findings to try to use some of the shipment? Isn't Imerys bypassing the representative sample system through this protocol? MR. PROST: Object to form. A. I don't know I'd agree with that. Q. (By Ms. Scott) Do you think that this system would be appropriate if applied to cosmetic talc? MR. PROST: Object to form. A. I think it would depend on the particular specification that the material was out of spec for. Q. (By Ms. Scott) Let me ask it a different way. If cosmetic talc was found to be out of spec	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. This is a Windsor Minerals document. It predates the acquisition by Cyprus. The two-hour cosmetic testing that's referenced here I would expect is described in a different SOP. Q. (By Ms. Scott) If you turn to page 2 of the document for me, and number 16, and just so we know what we're talking about, we're talking about the schedule, the frequency of analysis schedule, for cosmetic talc, right? A. Yes. Q. Okay. And so this is a list of different minerals that are being tested on various schedule. And in number 16, we see asbestos, right? A. It's not just minerals that are being tested, but Q. You're right. Various tests are being performed, right? A. Yes.

55 (Pages 472 to 475)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 57 of 68 PageID: 51748

Patrick Downey

	Page 476		Page 478
1	A. Yes.	1	two much-smaller samples from the two silos,
2	Q. Right?	2	correct?
3	And these are asbestos samples. And for	3	MR. PROST: Object to form.
4	x-ray diffraction, it says, every "Two silos on a	4	A. Yes.
5	composite sample made from the two-silo retainers,"	5	Q. (By Ms. Scott) Okay. Do you have any
6	correct?	6	understanding as to why each silo was not sampled
7	MR. PROST: Object to form.	7	for asbestos?
8	A. That's what it says.	8	MR. PROST: Object to form.
9	Q. (By Ms. Scott) Okay. So what's a silo	9	A. They were on a composite basis. They
10	retainer?	10	weren't sampled individually. They were sampled as
11	A. That's the retainer of the silo	11	a composite.
12	composite sample is what I would interpret that to	12	Q. (By Ms. Scott) And would you agree that
13	mean.	13	the traceability of a finding of asbestos would be
14	Q. Do you know how large a silo retainer	14	easier if each silo was sampled individually versus
15	is?	15	sampled as a composite?
16	A. It might be described in the other	16	MR. PROST: Object to form; outside the
17	documents on how much material was in the composite	17	scope.
18	sample.	18	A. I'm trying to follow the logic of your
19	Q. I've seen reference to it, and we'll get	19	question and see can you have it read back?
20	to it in a minute, but of baggies, 5-by-8	20	MR. PROST: No.
21	baggies being the retainer sample.	21	THE REPORTER: I lost the feed. Sorry.
22	Does that sound about right?	22	MS. SCOTT: That's okay. I think I can come
23	A. I think the documents would tell us.	23	up with it.
24	I I don't recall.	24	Q. (By Ms. Scott) Would you agree that the
25	Q. Okay. Have you had experience with	25	traceability of a finding of asbestos would be much
	Page 477		Page 479
1		1	J
1 2	Page 477 seeing retainer samples? A. Not at Windsor.	1 2	easier if a sample was taken from an individual
	seeing retainer samples? A. Not at Windsor.		easier if a sample was taken from an individual silo versus on a composite basis?
2	seeing retainer samples? A. Not at Windsor. Q. So whatever that amount is, that amount	2	easier if a sample was taken from an individual silo versus on a composite basis? MR. PROST: Object.
2 3	seeing retainer samples? A. Not at Windsor. Q. So whatever that amount is, that amount is going to be a smaller amount taken from two	2 3	easier if a sample was taken from an individual silo versus on a composite basis? MR. PROST: Object. A. Not necessarily.
2 3 4	seeing retainer samples? A. Not at Windsor. Q. So whatever that amount is, that amount is going to be a smaller amount taken from two different silos in a composite silo made from two	2 3 4	easier if a sample was taken from an individual silo versus on a composite basis? MR. PROST: Object. A. Not necessarily. Q. (By Ms. Scott) Explain why not. We're
2 3 4 5	seeing retainer samples? A. Not at Windsor. Q. So whatever that amount is, that amount is going to be a smaller amount taken from two different silos in a composite silo made from two different silos, right?	2 3 4 5	easier if a sample was taken from an individual silo versus on a composite basis? MR. PROST: Object. A. Not necessarily. Q. (By Ms. Scott) Explain why not. We're talking about a discrete silo with one group of
2 3 4 5 6	seeing retainer samples? A. Not at Windsor. Q. So whatever that amount is, that amount is going to be a smaller amount taken from two different silos in a composite silo made from two	2 3 4 5	easier if a sample was taken from an individual silo versus on a composite basis? MR. PROST: Object. A. Not necessarily. Q. (By Ms. Scott) Explain why not. We're talking about a discrete silo with one group of product in it versus a combination of two different
2 3 4 5 6 7	seeing retainer samples? A. Not at Windsor. Q. So whatever that amount is, that amount is going to be a smaller amount taken from two different silos in a composite silo made from two different silos, right? A. What's going to be a smaller amount?	2 3 4 5 6 7	easier if a sample was taken from an individual silo versus on a composite basis? MR. PROST: Object. A. Not necessarily. Q. (By Ms. Scott) Explain why not. We're talking about a discrete silo with one group of
2 3 4 5 6 7 8	seeing retainer samples? A. Not at Windsor. Q. So whatever that amount is, that amount is going to be a smaller amount taken from two different silos in a composite silo made from two different silos, right? A. What's going to be a smaller amount? I'm not sure what you're saying.	2 3 4 5 6 7 8	easier if a sample was taken from an individual silo versus on a composite basis? MR. PROST: Object. A. Not necessarily. Q. (By Ms. Scott) Explain why not. We're talking about a discrete silo with one group of product in it versus a combination of two different silos with material in it. You can't pinpoint the
2 3 4 5 6 7 8	seeing retainer samples? A. Not at Windsor. Q. So whatever that amount is, that amount is going to be a smaller amount taken from two different silos in a composite silo made from two different silos, right? A. What's going to be a smaller amount? I'm not sure what you're saying. Q. Sure.	2 3 4 5 6 7 8	easier if a sample was taken from an individual silo versus on a composite basis? MR. PROST: Object. A. Not necessarily. Q. (By Ms. Scott) Explain why not. We're talking about a discrete silo with one group of product in it versus a combination of two different silos with material in it. You can't pinpoint the exact silo if you have an asbestos finding, can
2 3 4 5 6 7 8 9	seeing retainer samples? A. Not at Windsor. Q. So whatever that amount is, that amount is going to be a smaller amount taken from two different silos in a composite silo made from two different silos, right? A. What's going to be a smaller amount? I'm not sure what you're saying. Q. Sure. So if we look at under 16, "X-Ray	2 3 4 5 6 7 8 9	easier if a sample was taken from an individual silo versus on a composite basis? MR. PROST: Object. A. Not necessarily. Q. (By Ms. Scott) Explain why not. We're talking about a discrete silo with one group of product in it versus a combination of two different silos with material in it. You can't pinpoint the exact silo if you have an asbestos finding, can you?
2 3 4 5 6 7 8 9 10	seeing retainer samples? A. Not at Windsor. Q. So whatever that amount is, that amount is going to be a smaller amount taken from two different silos in a composite silo made from two different silos, right? A. What's going to be a smaller amount? I'm not sure what you're saying. Q. Sure. So if we look at under 16, "X-Ray Diffraction," it says, "Every two silos on a	2 3 4 5 6 7 8 9 10	easier if a sample was taken from an individual silo versus on a composite basis? MR. PROST: Object. A. Not necessarily. Q. (By Ms. Scott) Explain why not. We're talking about a discrete silo with one group of product in it versus a combination of two different silos with material in it. You can't pinpoint the exact silo if you have an asbestos finding, can you? MR. PROST: Object to form; outside the
2 3 4 5 6 7 8 9 10 11 12	seeing retainer samples? A. Not at Windsor. Q. So whatever that amount is, that amount is going to be a smaller amount taken from two different silos in a composite silo made from two different silos, right? A. What's going to be a smaller amount? I'm not sure what you're saying. Q. Sure. So if we look at under 16, "X-Ray Diffraction," it says, "Every two silos on a composite sample made from the two-silo retainers,"	2 3 4 5 6 7 8 9 10 11	easier if a sample was taken from an individual silo versus on a composite basis? MR. PROST: Object. A. Not necessarily. Q. (By Ms. Scott) Explain why not. We're talking about a discrete silo with one group of product in it versus a combination of two different silos with material in it. You can't pinpoint the exact silo if you have an asbestos finding, can you? MR. PROST: Object to form; outside the scope.
2 3 4 5 6 7 8 9 10 11 12 13	seeing retainer samples? A. Not at Windsor. Q. So whatever that amount is, that amount is going to be a smaller amount taken from two different silos in a composite silo made from two different silos, right? A. What's going to be a smaller amount? I'm not sure what you're saying. Q. Sure. So if we look at under 16, "X-Ray Diffraction," it says, "Every two silos on a composite sample made from the two-silo retainers," right?	2 3 4 5 6 7 8 9 10 11 12	easier if a sample was taken from an individual silo versus on a composite basis? MR. PROST: Object. A. Not necessarily. Q. (By Ms. Scott) Explain why not. We're talking about a discrete silo with one group of product in it versus a combination of two different silos with material in it. You can't pinpoint the exact silo if you have an asbestos finding, can you? MR. PROST: Object to form; outside the scope. A. Well, we're still talking hypothetical
2 3 4 5 6 7 8 9 10 11 12 13 14	seeing retainer samples? A. Not at Windsor. Q. So whatever that amount is, that amount is going to be a smaller amount taken from two different silos in a composite silo made from two different silos, right? A. What's going to be a smaller amount? I'm not sure what you're saying. Q. Sure. So if we look at under 16, "X-Ray Diffraction," it says, "Every two silos on a composite sample made from the two-silo retainers," right? A. That's what it says.	2 3 4 5 6 7 8 9 10 11 12 13 14	easier if a sample was taken from an individual silo versus on a composite basis? MR. PROST: Object. A. Not necessarily. Q. (By Ms. Scott) Explain why not. We're talking about a discrete silo with one group of product in it versus a combination of two different silos with material in it. You can't pinpoint the exact silo if you have an asbestos finding, can you? MR. PROST: Object to form; outside the scope. A. Well, we're still talking hypothetical about a finding, but if the procedure was to reject
2 3 4 5 6 7 8 9 10 11 12 13 14 15	seeing retainer samples? A. Not at Windsor. Q. So whatever that amount is, that amount is going to be a smaller amount taken from two different silos in a composite silo made from two different silos, right? A. What's going to be a smaller amount? I'm not sure what you're saying. Q. Sure. So if we look at under 16, "X-Ray Diffraction," it says, "Every two silos on a composite sample made from the two-silo retainers," right? A. That's what it says. Q. Right. And we know from other documents	2 3 4 5 6 7 8 9 10 11 12 13 14 15	easier if a sample was taken from an individual silo versus on a composite basis? MR. PROST: Object. A. Not necessarily. Q. (By Ms. Scott) Explain why not. We're talking about a discrete silo with one group of product in it versus a combination of two different silos with material in it. You can't pinpoint the exact silo if you have an asbestos finding, can you? MR. PROST: Object to form; outside the scope. A. Well, we're still talking hypothetical about a finding, but if the procedure was to reject and discard both silos, you have enough
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	seeing retainer samples? A. Not at Windsor. Q. So whatever that amount is, that amount is going to be a smaller amount taken from two different silos in a composite silo made from two different silos, right? A. What's going to be a smaller amount? I'm not sure what you're saying. Q. Sure. So if we look at under 16, "X-Ray Diffraction," it says, "Every two silos on a composite sample made from the two-silo retainers," right? A. That's what it says. Q. Right. And we know from other documents that, at least in one document, a silo was	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	easier if a sample was taken from an individual silo versus on a composite basis? MR. PROST: Object. A. Not necessarily. Q. (By Ms. Scott) Explain why not. We're talking about a discrete silo with one group of product in it versus a combination of two different silos with material in it. You can't pinpoint the exact silo if you have an asbestos finding, can you? MR. PROST: Object to form; outside the scope. A. Well, we're still talking hypothetical about a finding, but if the procedure was to reject and discard both silos, you have enough traceability to reject them both if the composite
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	seeing retainer samples? A. Not at Windsor. Q. So whatever that amount is, that amount is going to be a smaller amount taken from two different silos in a composite silo made from two different silos, right? A. What's going to be a smaller amount? I'm not sure what you're saying. Q. Sure. So if we look at under 16, "X-Ray Diffraction," it says, "Every two silos on a composite sample made from the two-silo retainers," right? A. That's what it says. Q. Right. And we know from other documents that, at least in one document, a silo was referenced as being 325 tons; do you remember that?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	easier if a sample was taken from an individual silo versus on a composite basis? MR. PROST: Object. A. Not necessarily. Q. (By Ms. Scott) Explain why not. We're talking about a discrete silo with one group of product in it versus a combination of two different silos with material in it. You can't pinpoint the exact silo if you have an asbestos finding, can you? MR. PROST: Object to form; outside the scope. A. Well, we're still talking hypothetical about a finding, but if the procedure was to reject and discard both silos, you have enough traceability to reject them both if the composite comes back positive in that hypothetical.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	seeing retainer samples? A. Not at Windsor. Q. So whatever that amount is, that amount is going to be a smaller amount taken from two different silos in a composite silo made from two different silos, right? A. What's going to be a smaller amount? I'm not sure what you're saying. Q. Sure. So if we look at under 16, "X-Ray Diffraction," it says, "Every two silos on a composite sample made from the two-silo retainers," right? A. That's what it says. Q. Right. And we know from other documents that, at least in one document, a silo was referenced as being 325 tons; do you remember that? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	easier if a sample was taken from an individual silo versus on a composite basis? MR. PROST: Object. A. Not necessarily. Q. (By Ms. Scott) Explain why not. We're talking about a discrete silo with one group of product in it versus a combination of two different silos with material in it. You can't pinpoint the exact silo if you have an asbestos finding, can you? MR. PROST: Object to form; outside the scope. A. Well, we're still talking hypothetical about a finding, but if the procedure was to reject and discard both silos, you have enough traceability to reject them both if the composite comes back positive in that hypothetical. MR. SILVER: Can I make a suggestion that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	seeing retainer samples? A. Not at Windsor. Q. So whatever that amount is, that amount is going to be a smaller amount taken from two different silos in a composite silo made from two different silos, right? A. What's going to be a smaller amount? I'm not sure what you're saying. Q. Sure. So if we look at under 16, "X-Ray Diffraction," it says, "Every two silos on a composite sample made from the two-silo retainers," right? A. That's what it says. Q. Right. And we know from other documents that, at least in one document, a silo was referenced as being 325 tons; do you remember that? A. Yes. Q. Okay. And we know that a retainer is a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	easier if a sample was taken from an individual silo versus on a composite basis? MR. PROST: Object. A. Not necessarily. Q. (By Ms. Scott) Explain why not. We're talking about a discrete silo with one group of product in it versus a combination of two different silos with material in it. You can't pinpoint the exact silo if you have an asbestos finding, can you? MR. PROST: Object to form; outside the scope. A. Well, we're still talking hypothetical about a finding, but if the procedure was to reject and discard both silos, you have enough traceability to reject them both if the composite comes back positive in that hypothetical. MR. SILVER: Can I make a suggestion that whenever you're moving onto the next topic that we
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	seeing retainer samples? A. Not at Windsor. Q. So whatever that amount is, that amount is going to be a smaller amount taken from two different silos in a composite silo made from two different silos, right? A. What's going to be a smaller amount? I'm not sure what you're saying. Q. Sure. So if we look at under 16, "X-Ray Diffraction," it says, "Every two silos on a composite sample made from the two-silo retainers," right? A. That's what it says. Q. Right. And we know from other documents that, at least in one document, a silo was referenced as being 325 tons; do you remember that? A. Yes. Q. Okay. And we know that a retainer is a smaller portion of that, much smaller portion of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	easier if a sample was taken from an individual silo versus on a composite basis? MR. PROST: Object. A. Not necessarily. Q. (By Ms. Scott) Explain why not. We're talking about a discrete silo with one group of product in it versus a combination of two different silos with material in it. You can't pinpoint the exact silo if you have an asbestos finding, can you? MR. PROST: Object to form; outside the scope. A. Well, we're still talking hypothetical about a finding, but if the procedure was to reject and discard both silos, you have enough traceability to reject them both if the composite comes back positive in that hypothetical. MR. SILVER: Can I make a suggestion that whenever you're moving onto the next topic that we take a quick break, one, to let the court reporter
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Not at Windsor. Q. So whatever that amount is, that amount is going to be a smaller amount taken from two different silos in a composite silo made from two different silos, right? A. What's going to be a smaller amount? I'm not sure what you're saying. Q. Sure. So if we look at under 16, "X-Ray Diffraction," it says, "Every two silos on a composite sample made from the two-silo retainers," right? A. That's what it says. Q. Right. And we know from other documents that, at least in one document, a silo was referenced as being 325 tons; do you remember that? A. Yes. Q. Okay. And we know that a retainer is a smaller portion of that, much smaller portion of that; would you agree?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	easier if a sample was taken from an individual silo versus on a composite basis? MR. PROST: Object. A. Not necessarily. Q. (By Ms. Scott) Explain why not. We're talking about a discrete silo with one group of product in it versus a combination of two different silos with material in it. You can't pinpoint the exact silo if you have an asbestos finding, can you? MR. PROST: Object to form; outside the scope. A. Well, we're still talking hypothetical about a finding, but if the procedure was to reject and discard both silos, you have enough traceability to reject them both if the composite comes back positive in that hypothetical. MR. SILVER: Can I make a suggestion that whenever you're moving onto the next topic that we take a quick break, one, to let the court reporter fix the real-time, and two, we can just
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	seeing retainer samples? A. Not at Windsor. Q. So whatever that amount is, that amount is going to be a smaller amount taken from two different silos in a composite silo made from two different silos, right? A. What's going to be a smaller amount? I'm not sure what you're saying. Q. Sure. So if we look at under 16, "X-Ray Diffraction," it says, "Every two silos on a composite sample made from the two-silo retainers," right? A. That's what it says. Q. Right. And we know from other documents that, at least in one document, a silo was referenced as being 325 tons; do you remember that? A. Yes. Q. Okay. And we know that a retainer is a smaller portion of that, much smaller portion of that; would you agree? A. Yes, in general, samples are smaller	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	easier if a sample was taken from an individual silo versus on a composite basis? MR. PROST: Object. A. Not necessarily. Q. (By Ms. Scott) Explain why not. We're talking about a discrete silo with one group of product in it versus a combination of two different silos with material in it. You can't pinpoint the exact silo if you have an asbestos finding, can you? MR. PROST: Object to form; outside the scope. A. Well, we're still talking hypothetical about a finding, but if the procedure was to reject and discard both silos, you have enough traceability to reject them both if the composite comes back positive in that hypothetical. MR. SILVER: Can I make a suggestion that whenever you're moving onto the next topic that we take a quick break, one, to let the court reporter fix the real-time, and two, we can just VIDEOGRAPHER: Going off the record at 5:37.

56 (Pages 476 to 479)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 58 of 68 PageID: 51749

Patrick Downey

	Page 480		Page 482
1	Q. (By Ms. Scott) Okay. Mr. Downey, we	1	plate."
2	were talking before the break about Exhibit 58,	2	A. Your eyes are better than mine.
3	which is the frequency of analysis cosmetic SOP	3	Q. I'm not sure, but that's what I see.
4	from 1987. Do you remember that?	4	Would that be considering what is around
5	On page 2 of this document, number 13, it	5	that, would that be an appropriate place for an
6	says, "Arsenic - See arsenic SOP"; do you see that?	6	auto sampler?
7	A. Yes.	7	A. It says "Product sampling" something.
8	Q. Okay. I'm going to hand you the arsenic	8	Q. Okay. Well, let me ask you this: At
9	SOP. I'm sorry. It's been marked as Exhibit 59.	9	West Windsor, the product was ground to a mesh and
10	(Exhibit 59 was marked for identification.)	10	went through and was pushed through the mesh,
11	Q. (By Ms. Scott) Mr. Downey, have you	11	correct? The product was ground and went through
12	seen this document before?	12	the mesh, a mesh process, and in the processing?
13	A. I think so.	13	A. No.
14	Q. What would be the purpose of having a	14	Q. There was no mesh involved in
15	separate well, strike that.	15	A. There's a mesh involved in the test
16	Does Imerys have, today, a separate	16	method, but not
17	arsenic-testing SOP?	17	Q. Okay. I'm sorry.
18	A. I don't recall.	18	In the test method, yes, the product was
19	Q. Do you recall ever in the time of your	19	pushed through or floated through a mesh, correct?
20	employment at Imerys that whether it had a	20	A. In the test method
21	separate arsenic-testing SOP?	21	Q. Yes.
22	A. I lost the first part of your question.	22	A to measure the grind?
23	Q. Do you recall there ever being, since	23	Q. Yes.
24	since 1988, since your time at Imerys, have you	24	A. It was I don't recall if it was a
25	ever seen a separate arsenic-testing SOP? Do you	25	wet-screen or a dry-screen method.
	Page 481		Page 483
1		1	
1	have any knowledge as to whether it existed since	1	Q. Okay. But some of the product fell
2	1988?	2	below the mesh.
3	A. I don't know, but I know that arsenic	3	Is it fair to say that there was some
4	was part of the specification for grade 66, and it	4	product that couldn't quite make it through the
5	was would have been continued to be tested for.	5	mesh that remained on top?
6	Q. We talked a little bit about the	6	A. Yes. My recollection is the
7	automatic sampler earlier. And I want to direct	7	specification was, like, 98 or maybe 98.5 percent
8	your attention back to Exhibit 53, and specifically	8	passing a 200-mesh screen.
9	the chart that we looked at on Exhibit 53.	9	Q. The product that remained on top, was
10	A. The flowchart on the back?	10	that tested?
11	Q. That's correct. Can you look at this	11	A. What do you mean "tested"?
12	flowchart and tell me where an automatic sampler	12	Q. Was it sampled?
13	might be located?	13	A. Yeah, it was sampled. Wait. It was
14	A. (Document reviewed.) Do you have a	14	part of the sample.
15	magnifying finding glass?	15	Q. Okay. Was any of that product that
16	Q. I don't.	16	remained on top did that make it into a sample that went to testing?
17		17	ingt went to testing?
18	A. A lot of the text is illegible.		-
	(Document reviewed.)	18	A. Yes.
19	(Document reviewed.) Q. Found any yet?	18 19	A. Yes.Q. The grains that did not make it through
19 20	(Document reviewed.) Q. Found any yet? A. I found "product sampling" something in	18 19 20	A. Yes. Q. The grains that did not make it through the mesh?
19 20 21	(Document reviewed.) Q. Found any yet? A. I found "product sampling" something in the lower right area, but I can't I can't tell	18 19 20 21	A. Yes.Q. The grains that did not make it through the mesh?A. Oh, those specific grains?
19 20 21 22	(Document reviewed.) Q. Found any yet? A. I found "product sampling" something in the lower right area, but I can't I can't tell what the other word is.	18 19 20 21 22	A. Yes.Q. The grains that did not make it through the mesh?A. Oh, those specific grains?Q. Those specific grains that did not make
19 20 21 22 23	(Document reviewed.) Q. Found any yet? A. I found "product sampling" something in the lower right area, but I can't I can't tell what the other word is. Q. Where, specifically, are you looking?	18 19 20 21 22 23	 A. Yes. Q. The grains that did not make it through the mesh? A. Oh, those specific grains? Q. Those specific grains that did not make it through the mesh.
19 20 21 22	(Document reviewed.) Q. Found any yet? A. I found "product sampling" something in the lower right area, but I can't I can't tell what the other word is.	18 19 20 21 22	A. Yes.Q. The grains that did not make it through the mesh?A. Oh, those specific grains?Q. Those specific grains that did not make

57 (Pages 480 to 483)

	Page 484		Page 486
1	being produced from the roller mill. All right?	1	testing, like the brightness testing and the other
2	The roller mill is a large-diameter chamber with a	2	testing that the particles that pass through the
3	steel ring on the inside of the barrel. And then	3	200 mesh undergo?
4	it has what we call a spider on which hangs roll	4	A. There's not enough remaining material to
5	journals. And what happens is that the main drive	5	be able to do any other testing with it. But,
6	of the mill spins the spider, and by centrifugal	6	again, the particle size in that fraction is tested
7	force, it pushes the rolls out against the bull	7	in other test methods from the same master sample.
8	ring.	8	The analytical samples are used for that. So yes,
9	Q. Okay.	9	the particles that are representative of the
10	A. All right? And that's where the talc is	10	plus-200-mesh fraction are indeed tested with the
11	being pulverized. But the grind is being	11	other test methods.
12	controlled by the airflow and the whizzer that's	12	Q. Okay. Let's talk about the various
13	spinning at the top. And so you're getting a	13	mines and what types of samples were taken and what
14	particle-size distribution that's coming out, and	14	samples were taken at the various mines.
15	that particle-size distribution needed to meet the	15	What was taken what types of samples were
16	specification of 98 or 98.5 percent passing through	16	taken at the Hammondsville Mine?
17	a 200 mesh, but the entire sample is what was	17	A. Hammondsville was underground. There
18	analyzed.	18	were drill cores. There were drill-core samples.
19	Q. So it's your testimony that not only	19	You mean at the mine or throughout the process?
20	that that passed through the 200 mesh, but the	20	Q. At the mine.
21	larger particles that did not pass through the 200	21	A. At the mine. Other than drill cores, I
22	mesh were sampled? Were tested? I'm sorry.	22	haven't seen records, but typically, there would be
23	A. They were tested in the other test	23	samples taken by the geologist or a helper at the
24	methods. So the 200-mesh screen analysis, you take	24	mining phase, or we call it the dig phase.
25	from your production sampling you take enough	25	MS. O'DELL: Could you the what phase?
			, , , , , , , , , , , , , , , , , , ,
	Page 485		Page 487
1	Page 485	1	Page 487
1	material from that sample to do the analysis for	1	THE WITNESS: "Dig."
2	material from that sample to do the analysis for the sift testing. You take another portion of that	2	THE WITNESS: "Dig." MS. O'DELL: Thank you.
2 3	material from that sample to do the analysis for the sift testing. You take another portion of that material to do the analysis for the brightness.	2	THE WITNESS: "Dig." MS. O'DELL: Thank you. Q. (By Ms. Scott) And what about the Hamm
2 3 4	material from that sample to do the analysis for the sift testing. You take another portion of that material to do the analysis for the brightness. So you're taking an overall sample from the	2 3 4	THE WITNESS: "Dig." MS. O'DELL: Thank you. Q. (By Ms. Scott) And what about the Hamm Mine?
2 3 4 5	material from that sample to do the analysis for the sift testing. You take another portion of that material to do the analysis for the brightness. So you're taking an overall sample from the production, and then you're taking parts of that	2 3 4 5	THE WITNESS: "Dig." MS. O'DELL: Thank you. Q. (By Ms. Scott) And what about the Hamm Mine? A. Hamm was open pit, so there were drill
2 3 4 5 6	material from that sample to do the analysis for the sift testing. You take another portion of that material to do the analysis for the brightness. So you're taking an overall sample from the production, and then you're taking parts of that sample to do the specific test methods. You	2 3 4 5 6	THE WITNESS: "Dig." MS. O'DELL: Thank you. Q. (By Ms. Scott) And what about the Hamm Mine? A. Hamm was open pit, so there were drill cores and in-fill drilling, blast-drawn samples
2 3 4 5 6 7	material from that sample to do the analysis for the sift testing. You take another portion of that material to do the analysis for the brightness. So you're taking an overall sample from the production, and then you're taking parts of that sample to do the specific test methods. You can't because these test methods are, to a	2 3 4 5 6 7	THE WITNESS: "Dig." MS. O'DELL: Thank you. Q. (By Ms. Scott) And what about the Hamm Mine? A. Hamm was open pit, so there were drill cores and in-fill drilling, blast-drawn samples that were taken, and it's common practice to take
2 3 4 5 6 7 8	material from that sample to do the analysis for the sift testing. You take another portion of that material to do the analysis for the brightness. So you're taking an overall sample from the production, and then you're taking parts of that sample to do the specific test methods. You can't because these test methods are, to a certain degree, somewhat destructive, you can't	2 3 4 5 6 7 8	THE WITNESS: "Dig." MS. O'DELL: Thank you. Q. (By Ms. Scott) And what about the Hamm Mine? A. Hamm was open pit, so there were drill cores and in-fill drilling, blast-drawn samples that were taken, and it's common practice to take samples of at the face.
2 3 4 5 6 7 8	material from that sample to do the analysis for the sift testing. You take another portion of that material to do the analysis for the brightness. So you're taking an overall sample from the production, and then you're taking parts of that sample to do the specific test methods. You can't because these test methods are, to a certain degree, somewhat destructive, you can't reconstitute the sample again from the it's been	2 3 4 5 6 7 8	THE WITNESS: "Dig." MS. O'DELL: Thank you. Q. (By Ms. Scott) And what about the Hamm Mine? A. Hamm was open pit, so there were drill cores and in-fill drilling, blast-drawn samples that were taken, and it's common practice to take samples of at the face. Q. At the face?
2 3 4 5 6 7 8 9	material from that sample to do the analysis for the sift testing. You take another portion of that material to do the analysis for the brightness. So you're taking an overall sample from the production, and then you're taking parts of that sample to do the specific test methods. You can't because these test methods are, to a certain degree, somewhat destructive, you can't reconstitute the sample again from the it's been a long day from the remnants of a different test	2 3 4 5 6 7 8 9	THE WITNESS: "Dig." MS. O'DELL: Thank you. Q. (By Ms. Scott) And what about the Hamm Mine? A. Hamm was open pit, so there were drill cores and in-fill drilling, blast-drawn samples that were taken, and it's common practice to take samples of at the face. Q. At the face? A. Mm-hmm.
2 3 4 5 6 7 8 9 10	material from that sample to do the analysis for the sift testing. You take another portion of that material to do the analysis for the brightness. So you're taking an overall sample from the production, and then you're taking parts of that sample to do the specific test methods. You can't because these test methods are, to a certain degree, somewhat destructive, you can't reconstitute the sample again from the it's been a long day from the remnants of a different test method then go take it and do something else with	2 3 4 5 6 7 8 9 10	THE WITNESS: "Dig." MS. O'DELL: Thank you. Q. (By Ms. Scott) And what about the Hamm Mine? A. Hamm was open pit, so there were drill cores and in-fill drilling, blast-drawn samples that were taken, and it's common practice to take samples of at the face. Q. At the face? A. Mm-hmm. Q. What about Argonaut?
2 3 4 5 6 7 8 9 10 11	material from that sample to do the analysis for the sift testing. You take another portion of that material to do the analysis for the brightness. So you're taking an overall sample from the production, and then you're taking parts of that sample to do the specific test methods. You can't because these test methods are, to a certain degree, somewhat destructive, you can't reconstitute the sample again from the it's been a long day from the remnants of a different test method then go take it and do something else with it.	2 3 4 5 6 7 8 9 10 11	THE WITNESS: "Dig." MS. O'DELL: Thank you. Q. (By Ms. Scott) And what about the Hamm Mine? A. Hamm was open pit, so there were drill cores and in-fill drilling, blast-drawn samples that were taken, and it's common practice to take samples of at the face. Q. At the face? A. Mm-hmm. Q. What about Argonaut? A. That'd be the same.
2 3 4 5 6 7 8 9 10 11 12 13	material from that sample to do the analysis for the sift testing. You take another portion of that material to do the analysis for the brightness. So you're taking an overall sample from the production, and then you're taking parts of that sample to do the specific test methods. You can't because these test methods are, to a certain degree, somewhat destructive, you can't reconstitute the sample again from the it's been a long day from the remnants of a different test method then go take it and do something else with it. Q. I understand that, but I just want to	2 3 4 5 6 7 8 9 10 11 12 13	THE WITNESS: "Dig." MS. O'DELL: Thank you. Q. (By Ms. Scott) And what about the Hamm Mine? A. Hamm was open pit, so there were drill cores and in-fill drilling, blast-drawn samples that were taken, and it's common practice to take samples of at the face. Q. At the face? A. Mm-hmm. Q. What about Argonaut? A. That'd be the same. Q. The same as Hamm?
2 3 4 5 6 7 8 9 10 11 12 13 14	material from that sample to do the analysis for the sift testing. You take another portion of that material to do the analysis for the brightness. So you're taking an overall sample from the production, and then you're taking parts of that sample to do the specific test methods. You can't because these test methods are, to a certain degree, somewhat destructive, you can't reconstitute the sample again from the it's been a long day from the remnants of a different test method then go take it and do something else with it. Q. I understand that, but I just want to make sure I'm clear, that the test that you just	2 3 4 5 6 7 8 9 10 11 12 13 14	THE WITNESS: "Dig." MS. O'DELL: Thank you. Q. (By Ms. Scott) And what about the Hamm Mine? A. Hamm was open pit, so there were drill cores and in-fill drilling, blast-drawn samples that were taken, and it's common practice to take samples of at the face. Q. At the face? A. Mm-hmm. Q. What about Argonaut? A. That'd be the same. Q. The same as Hamm? A. Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	material from that sample to do the analysis for the sift testing. You take another portion of that material to do the analysis for the brightness. So you're taking an overall sample from the production, and then you're taking parts of that sample to do the specific test methods. You can't because these test methods are, to a certain degree, somewhat destructive, you can't reconstitute the sample again from the it's been a long day from the remnants of a different test method then go take it and do something else with it. Q. I understand that, but I just want to make sure I'm clear, that the test that you just talked about, that, I understand, and I know that	2 3 4 5 6 7 8 9 10 11 12 13 14 15	THE WITNESS: "Dig." MS. O'DELL: Thank you. Q. (By Ms. Scott) And what about the Hamm Mine? A. Hamm was open pit, so there were drill cores and in-fill drilling, blast-drawn samples that were taken, and it's common practice to take samples of at the face. Q. At the face? A. Mm-hmm. Q. What about Argonaut? A. That'd be the same. Q. The same as Hamm? A. Yes. Q. In-fill blast, drill core and at the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	material from that sample to do the analysis for the sift testing. You take another portion of that material to do the analysis for the brightness. So you're taking an overall sample from the production, and then you're taking parts of that sample to do the specific test methods. You can't because these test methods are, to a certain degree, somewhat destructive, you can't reconstitute the sample again from the it's been a long day from the remnants of a different test method then go take it and do something else with it. Q. I understand that, but I just want to make sure I'm clear, that the test that you just talked about, that, I understand, and I know that that is on the particles that pass through the 200	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	THE WITNESS: "Dig." MS. O'DELL: Thank you. Q. (By Ms. Scott) And what about the Hamm Mine? A. Hamm was open pit, so there were drill cores and in-fill drilling, blast-drawn samples that were taken, and it's common practice to take samples of at the face. Q. At the face? A. Mm-hmm. Q. What about Argonaut? A. That'd be the same. Q. The same as Hamm? A. Yes. Q. In-fill blast, drill core and at the face?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	material from that sample to do the analysis for the sift testing. You take another portion of that material to do the analysis for the brightness. So you're taking an overall sample from the production, and then you're taking parts of that sample to do the specific test methods. You can't because these test methods are, to a certain degree, somewhat destructive, you can't reconstitute the sample again from the it's been a long day from the remnants of a different test method then go take it and do something else with it. Q. I understand that, but I just want to make sure I'm clear, that the test that you just talked about, that, I understand, and I know that that is on the particles that pass through the 200 mesh.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	THE WITNESS: "Dig." MS. O'DELL: Thank you. Q. (By Ms. Scott) And what about the Hamm Mine? A. Hamm was open pit, so there were drill cores and in-fill drilling, blast-drawn samples that were taken, and it's common practice to take samples of at the face. Q. At the face? A. Mm-hmm. Q. What about Argonaut? A. That'd be the same. Q. The same as Hamm? A. Yes. Q. In-fill blast, drill core and at the face? A. Well, yeah, drill core, in-fill
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	material from that sample to do the analysis for the sift testing. You take another portion of that material to do the analysis for the brightness. So you're taking an overall sample from the production, and then you're taking parts of that sample to do the specific test methods. You can't because these test methods are, to a certain degree, somewhat destructive, you can't reconstitute the sample again from the it's been a long day from the remnants of a different test method then go take it and do something else with it. Q. I understand that, but I just want to make sure I'm clear, that the test that you just talked about, that, I understand, and I know that that is on the particles that pass through the 200 mesh. What I'm asking about is specifically those	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE WITNESS: "Dig." MS. O'DELL: Thank you. Q. (By Ms. Scott) And what about the Hamm Mine? A. Hamm was open pit, so there were drill cores and in-fill drilling, blast-drawn samples that were taken, and it's common practice to take samples of at the face. Q. At the face? A. Mm-hmm. Q. What about Argonaut? A. That'd be the same. Q. The same as Hamm? A. Yes. Q. In-fill blast, drill core and at the face? A. Well, yeah, drill core, in-fill drilling, blast and in the face.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	material from that sample to do the analysis for the sift testing. You take another portion of that material to do the analysis for the brightness. So you're taking an overall sample from the production, and then you're taking parts of that sample to do the specific test methods. You can't because these test methods are, to a certain degree, somewhat destructive, you can't reconstitute the sample again from the it's been a long day from the remnants of a different test method then go take it and do something else with it. Q. I understand that, but I just want to make sure I'm clear, that the test that you just talked about, that, I understand, and I know that that is on the particles that pass through the 200 mesh. What I'm asking about is specifically those particles that do not. What happens to those, and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE WITNESS: "Dig." MS. O'DELL: Thank you. Q. (By Ms. Scott) And what about the Hamm Mine? A. Hamm was open pit, so there were drill cores and in-fill drilling, blast-drawn samples that were taken, and it's common practice to take samples of at the face. Q. At the face? A. Mm-hmm. Q. What about Argonaut? A. That'd be the same. Q. The same as Hamm? A. Yes. Q. In-fill blast, drill core and at the face? A. Well, yeah, drill core, in-fill drilling, blast and in the face. Q. I've kind of written down what you said.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	material from that sample to do the analysis for the sift testing. You take another portion of that material to do the analysis for the brightness. So you're taking an overall sample from the production, and then you're taking parts of that sample to do the specific test methods. You can't because these test methods are, to a certain degree, somewhat destructive, you can't reconstitute the sample again from the it's been a long day from the remnants of a different test method then go take it and do something else with it. Q. I understand that, but I just want to make sure I'm clear, that the test that you just talked about, that, I understand, and I know that that is on the particles that pass through the 200 mesh. What I'm asking about is specifically those particles that do not. What happens to those, and are those tested?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	THE WITNESS: "Dig." MS. O'DELL: Thank you. Q. (By Ms. Scott) And what about the Hamm Mine? A. Hamm was open pit, so there were drill cores and in-fill drilling, blast-drawn samples that were taken, and it's common practice to take samples of at the face. Q. At the face? A. Mm-hmm. Q. What about Argonaut? A. That'd be the same. Q. The same as Hamm? A. Yes. Q. In-fill blast, drill core and at the face? A. Well, yeah, drill core, in-fill drilling, blast and in the face. Q. I've kind of written down what you said. Is that pretty accurate? I can hand it to you if
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	material from that sample to do the analysis for the sift testing. You take another portion of that material to do the analysis for the brightness. So you're taking an overall sample from the production, and then you're taking parts of that sample to do the specific test methods. You can't because these test methods are, to a certain degree, somewhat destructive, you can't reconstitute the sample again from the it's been a long day from the remnants of a different test method then go take it and do something else with it. Q. I understand that, but I just want to make sure I'm clear, that the test that you just talked about, that, I understand, and I know that that is on the particles that pass through the 200 mesh. What I'm asking about is specifically those particles that do not. What happens to those, and are those tested? A. Those are tested as part of the 200-mesh	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE WITNESS: "Dig." MS. O'DELL: Thank you. Q. (By Ms. Scott) And what about the Hamm Mine? A. Hamm was open pit, so there were drill cores and in-fill drilling, blast-drawn samples that were taken, and it's common practice to take samples of at the face. Q. At the face? A. Mm-hmm. Q. What about Argonaut? A. That'd be the same. Q. The same as Hamm? A. Yes. Q. In-fill blast, drill core and at the face? A. Well, yeah, drill core, in-fill drilling, blast and in the face. Q. I've kind of written down what you said. Is that pretty accurate? I can hand it to you if you like. Might be easier.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	material from that sample to do the analysis for the sift testing. You take another portion of that material to do the analysis for the brightness. So you're taking an overall sample from the production, and then you're taking parts of that sample to do the specific test methods. You can't because these test methods are, to a certain degree, somewhat destructive, you can't reconstitute the sample again from the it's been a long day from the remnants of a different test method then go take it and do something else with it. Q. I understand that, but I just want to make sure I'm clear, that the test that you just talked about, that, I understand, and I know that that is on the particles that pass through the 200 mesh. What I'm asking about is specifically those particles that do not. What happens to those, and are those tested? A. Those are tested as part of the 200-mesh test method, because those are taken from the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: "Dig." MS. O'DELL: Thank you. Q. (By Ms. Scott) And what about the Hamm Mine? A. Hamm was open pit, so there were drill cores and in-fill drilling, blast-drawn samples that were taken, and it's common practice to take samples of at the face. Q. At the face? A. Mm-hmm. Q. What about Argonaut? A. That'd be the same. Q. The same as Hamm? A. Yes. Q. In-fill blast, drill core and at the face? A. Well, yeah, drill core, in-fill drilling, blast and in the face. Q. I've kind of written down what you said. Is that pretty accurate? I can hand it to you if you like. Might be easier. A. Please.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	material from that sample to do the analysis for the sift testing. You take another portion of that material to do the analysis for the brightness. So you're taking an overall sample from the production, and then you're taking parts of that sample to do the specific test methods. You can't because these test methods are, to a certain degree, somewhat destructive, you can't reconstitute the sample again from the it's been a long day from the remnants of a different test method then go take it and do something else with it. Q. I understand that, but I just want to make sure I'm clear, that the test that you just talked about, that, I understand, and I know that that is on the particles that pass through the 200 mesh. What I'm asking about is specifically those particles that do not. What happens to those, and are those tested? A. Those are tested as part of the 200-mesh test method, because those are taken from the screen and weighed so that you can calculate the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE WITNESS: "Dig." MS. O'DELL: Thank you. Q. (By Ms. Scott) And what about the Hamm Mine? A. Hamm was open pit, so there were drill cores and in-fill drilling, blast-drawn samples that were taken, and it's common practice to take samples of at the face. Q. At the face? A. Mm-hmm. Q. What about Argonaut? A. That'd be the same. Q. The same as Hamm? A. Yes. Q. In-fill blast, drill core and at the face? A. Well, yeah, drill core, in-fill drilling, blast and in the face. Q. I've kind of written down what you said. Is that pretty accurate? I can hand it to you if you like. Might be easier. A. Please. (Document reviewed.) There might be other
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	material from that sample to do the analysis for the sift testing. You take another portion of that material to do the analysis for the brightness. So you're taking an overall sample from the production, and then you're taking parts of that sample to do the specific test methods. You can't because these test methods are, to a certain degree, somewhat destructive, you can't reconstitute the sample again from the it's been a long day from the remnants of a different test method then go take it and do something else with it. Q. I understand that, but I just want to make sure I'm clear, that the test that you just talked about, that, I understand, and I know that that is on the particles that pass through the 200 mesh. What I'm asking about is specifically those particles that do not. What happens to those, and are those tested? A. Those are tested as part of the 200-mesh test method, because those are taken from the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: "Dig." MS. O'DELL: Thank you. Q. (By Ms. Scott) And what about the Hamm Mine? A. Hamm was open pit, so there were drill cores and in-fill drilling, blast-drawn samples that were taken, and it's common practice to take samples of at the face. Q. At the face? A. Mm-hmm. Q. What about Argonaut? A. That'd be the same. Q. The same as Hamm? A. Yes. Q. In-fill blast, drill core and at the face? A. Well, yeah, drill core, in-fill drilling, blast and in the face. Q. I've kind of written down what you said. Is that pretty accurate? I can hand it to you if you like. Might be easier. A. Please.

58 (Pages 484 to 487)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 60 of 68 PageID: 51751

Patrick Downey

	Page 488		Page 490
1	samples at the face are likely just to be	1	locations" under "Procedure"; do you see that?
2	intermittent.	2	A. Yes.
3	MS. SCOTT: I'm going to mark this 60.	3	Q. And see sample number S-1, there's a
4	(Exhibit 60 was marked for identification.)	4	float feet auto-sampler?
5	Q. (By Ms. Scott) We talked a little bit	5	A. Yes.
6	earlier about in-process sampling.	6	Q. And "Sample is collected at the auto
7	A. In?	7	sampler in front of the conditioner tank"; did I
8	Q. In-process.	8	read that correctly?
9	A. In-process.	9	A. Yes.
10	Q. Yes, uh-huh. And that differs from	10	Q. And that the type of that is an
11	sampling at the mine in what way? Explain to the	11	eight-hour composition and grab sample, right?
12	jury how that differs.	12	A. That's what this says.
13	A. In what way?	13	Q. And so when we were looking at that
14	Q. In what way does that differ from	14	chart just a minute ago, is this if you saw the
15	sampling at the mine? This is Exhibit 61 to your	15	condition or tank on that chart with the very small
16	deposition.	16	writing, is this a place that you would expect to
17	(Exhibit 61 was marked for identification.)	17	see an auto-sampler at the float feed?
18	A. Generally speaking, in-process sampling	18	A. What this says is that's where it was.
19	is when the material is at the milling or	19	Q. Right. And is that has that been
20	manufacturing location, and during the production	20	common practice for Imerys to have an auto-sampler
21		21	at the float feed?
22	process at various stages, it can be sampled in the	22	
23	process of being manufactured. So that's what	23	A. I believe so, yeah.
24	"in-process" refers to.	23	Q. The sample S-2, we see "ACM
	Q. Okay. And if you will take a look at		Auto-Sampler." What is ACM?
25	what's been marked as Exhibit 1 [sic] to your	25	A. That stands for air classifier mill.
	Page 489		Page 491
1	deposition, this, unfortunately, is undated.	1	Q. And sample S-3, "FK4," what is "FK4"?
2	Have you seen this document before?	2	A. I would only be speculating.
3	A. I don't recall. I don't know.	3	On page 3 for cample 18 we see that
4	Q. Okay. And I think		Q. On page 3, for sample 18, we see that
	-	4	it's the sample description is "Ore" and the
5	MR. SILVER: Did you say Exhibit 1? You	5	it's the sample description is "Ore" and the type is "Grab"; do you see that?
6	MR. SILVER: Did you say Exhibit 1? You said turning to Exhibit 1. You didn't mean	5 6	it's the sample description is "Ore" and the type is "Grab"; do you see that? A. Yes.
6 7	MR. SILVER: Did you say Exhibit 1? You said turning to Exhibit 1. You didn't mean MS. SCOTT: Of 61. Yeah. Sorry.	5 6 7	it's the sample description is "Ore" and the type is "Grab"; do you see that? A. Yes. Q. It says, "Sample is collected after
6 7 8	MR. SILVER: Did you say Exhibit 1? You said turning to Exhibit 1. You didn't mean MS. SCOTT: Of 61. Yeah. Sorry. MR. SILVER: Okay.	5 6 7 8	it's the sample description is "Ore" and the type is "Grab"; do you see that? A. Yes. Q. It says, "Sample is collected after passing through the crusher on the belt leading to
6 7 8 9	MR. SILVER: Did you say Exhibit 1? You said turning to Exhibit 1. You didn't mean MS. SCOTT: Of 61. Yeah. Sorry. MR. SILVER: Okay. Q. (By Ms. Scott) You don't know if you've	5 6 7 8 9	it's the sample description is "Ore" and the type is "Grab"; do you see that? A. Yes. Q. It says, "Sample is collected after passing through the crusher on the belt leading to the dryer," right?
6 7 8 9	MR. SILVER: Did you say Exhibit 1? You said turning to Exhibit 1. You didn't mean MS. SCOTT: Of 61. Yeah. Sorry. MR. SILVER: Okay. Q. (By Ms. Scott) You don't know if you've seen it before?	5 6 7 8 9	it's the sample description is "Ore" and the type is "Grab"; do you see that? A. Yes. Q. It says, "Sample is collected after passing through the crusher on the belt leading to the dryer," right? A. Yes.
6 7 8 9 10 11	MR. SILVER: Did you say Exhibit 1? You said turning to Exhibit 1. You didn't mean MS. SCOTT: Of 61. Yeah. Sorry. MR. SILVER: Okay. Q. (By Ms. Scott) You don't know if you've seen it before? A. I don't recall.	5 6 7 8 9 10	it's the sample description is "Ore" and the type is "Grab"; do you see that? A. Yes. Q. It says, "Sample is collected after passing through the crusher on the belt leading to the dryer," right? A. Yes. Q. And "This sample is to be a
6 7 8 9 10 11 12	MR. SILVER: Did you say Exhibit 1? You said turning to Exhibit 1. You didn't mean MS. SCOTT: Of 61. Yeah. Sorry. MR. SILVER: Okay. Q. (By Ms. Scott) You don't know if you've seen it before? A. I don't recall. Q. Okay. Just by taking a look at the	5 6 7 8 9 10 11	it's the sample description is "Ore" and the type is "Grab"; do you see that? A. Yes. Q. It says, "Sample is collected after passing through the crusher on the belt leading to the dryer," right? A. Yes. Q. And "This sample is to be a representative sample of all the ore in that a
6 7 8 9 10 11 12 13	MR. SILVER: Did you say Exhibit 1? You said turning to Exhibit 1. You didn't mean MS. SCOTT: Of 61. Yeah. Sorry. MR. SILVER: Okay. Q. (By Ms. Scott) You don't know if you've seen it before? A. I don't recall. Q. Okay. Just by taking a look at the document, is there any way to determine the date of	5 6 7 8 9 10 11 12	it's the sample description is "Ore" and the type is "Grab"; do you see that? A. Yes. Q. It says, "Sample is collected after passing through the crusher on the belt leading to the dryer," right? A. Yes. Q. And "This sample is to be a representative sample of all the ore in that a proportional amount of stones and fines should be
6 7 8 9 10 11 12 13 14	MR. SILVER: Did you say Exhibit 1? You said turning to Exhibit 1. You didn't mean MS. SCOTT: Of 61. Yeah. Sorry. MR. SILVER: Okay. Q. (By Ms. Scott) You don't know if you've seen it before? A. I don't recall. Q. Okay. Just by taking a look at the document, is there any way to determine the date of this the range of dates where this in-process	5 6 7 8 9 10 11 12 13 14	it's the sample description is "Ore" and the type is "Grab"; do you see that? A. Yes. Q. It says, "Sample is collected after passing through the crusher on the belt leading to the dryer," right? A. Yes. Q. And "This sample is to be a representative sample of all the ore in that a proportional amount of stones and fines should be collected"; did I read that correctly?
6 7 8 9 10 11 12 13 14	MR. SILVER: Did you say Exhibit 1? You said turning to Exhibit 1. You didn't mean MS. SCOTT: Of 61. Yeah. Sorry. MR. SILVER: Okay. Q. (By Ms. Scott) You don't know if you've seen it before? A. I don't recall. Q. Okay. Just by taking a look at the document, is there any way to determine the date of this the range of dates where this in-process sampling procedure might be in place? It may not	5 6 7 8 9 10 11 12 13 14 15	it's the sample description is "Ore" and the type is "Grab"; do you see that? A. Yes. Q. It says, "Sample is collected after passing through the crusher on the belt leading to the dryer," right? A. Yes. Q. And "This sample is to be a representative sample of all the ore in that a proportional amount of stones and fines should be collected"; did I read that correctly? A. Yes.
6 7 8 9 10 11 12 13 14 15	MR. SILVER: Did you say Exhibit 1? You said turning to Exhibit 1. You didn't mean MS. SCOTT: Of 61. Yeah. Sorry. MR. SILVER: Okay. Q. (By Ms. Scott) You don't know if you've seen it before? A. I don't recall. Q. Okay. Just by taking a look at the document, is there any way to determine the date of this the range of dates where this in-process sampling procedure might be in place? It may not be, but, you know, just	5 6 7 8 9 10 11 12 13 14 15 16	it's the sample description is "Ore" and the type is "Grab"; do you see that? A. Yes. Q. It says, "Sample is collected after passing through the crusher on the belt leading to the dryer," right? A. Yes. Q. And "This sample is to be a representative sample of all the ore in that a proportional amount of stones and fines should be collected"; did I read that correctly? A. Yes. Q. Okay. How describe this process to
6 7 8 9 10 11 12 13 14 15 16 17	MR. SILVER: Did you say Exhibit 1? You said turning to Exhibit 1. You didn't mean MS. SCOTT: Of 61. Yeah. Sorry. MR. SILVER: Okay. Q. (By Ms. Scott) You don't know if you've seen it before? A. I don't recall. Q. Okay. Just by taking a look at the document, is there any way to determine the date of this the range of dates where this in-process sampling procedure might be in place? It may not be, but, you know, just A. Based on the header?	5 6 7 8 9 10 11 12 13 14 15 16 17	it's the sample description is "Ore" and the type is "Grab"; do you see that? A. Yes. Q. It says, "Sample is collected after passing through the crusher on the belt leading to the dryer," right? A. Yes. Q. And "This sample is to be a representative sample of all the ore in that a proportional amount of stones and fines should be collected"; did I read that correctly? A. Yes. Q. Okay. How describe this process to me. Describe the determination of whether this is
6 7 8 9 10 11 12 13 14 15 16 17	MR. SILVER: Did you say Exhibit 1? You said turning to Exhibit 1. You didn't mean MS. SCOTT: Of 61. Yeah. Sorry. MR. SILVER: Okay. Q. (By Ms. Scott) You don't know if you've seen it before? A. I don't recall. Q. Okay. Just by taking a look at the document, is there any way to determine the date of this the range of dates where this in-process sampling procedure might be in place? It may not be, but, you know, just A. Based on the header? Q. Based on the document itself.	5 6 7 8 9 10 11 12 13 14 15 16 17	it's the sample description is "Ore" and the type is "Grab"; do you see that? A. Yes. Q. It says, "Sample is collected after passing through the crusher on the belt leading to the dryer," right? A. Yes. Q. And "This sample is to be a representative sample of all the ore in that a proportional amount of stones and fines should be collected"; did I read that correctly? A. Yes. Q. Okay. How describe this process to me. Describe the determination of whether this is representative based on this information.
6 7 8 9 10 11 12 13 14 15 16 17 18	MR. SILVER: Did you say Exhibit 1? You said turning to Exhibit 1. You didn't mean MS. SCOTT: Of 61. Yeah. Sorry. MR. SILVER: Okay. Q. (By Ms. Scott) You don't know if you've seen it before? A. I don't recall. Q. Okay. Just by taking a look at the document, is there any way to determine the date of this the range of dates where this in-process sampling procedure might be in place? It may not be, but, you know, just A. Based on the header? Q. Based on the document itself. A. Right.	5 6 7 8 9 10 11 12 13 14 15 16 17 18	it's the sample description is "Ore" and the type is "Grab"; do you see that? A. Yes. Q. It says, "Sample is collected after passing through the crusher on the belt leading to the dryer," right? A. Yes. Q. And "This sample is to be a representative sample of all the ore in that a proportional amount of stones and fines should be collected"; did I read that correctly? A. Yes. Q. Okay. How describe this process to me. Describe the determination of whether this is representative based on this information. A. Well, this specific sample, if you
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. SILVER: Did you say Exhibit 1? You said turning to Exhibit 1. You didn't mean MS. SCOTT: Of 61. Yeah. Sorry. MR. SILVER: Okay. Q. (By Ms. Scott) You don't know if you've seen it before? A. I don't recall. Q. Okay. Just by taking a look at the document, is there any way to determine the date of this the range of dates where this in-process sampling procedure might be in place? It may not be, but, you know, just A. Based on the header? Q. Based on the document itself. A. Right. Q. The content of the document itself, yes.	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	it's the sample description is "Ore" and the type is "Grab"; do you see that? A. Yes. Q. It says, "Sample is collected after passing through the crusher on the belt leading to the dryer," right? A. Yes. Q. And "This sample is to be a representative sample of all the ore in that a proportional amount of stones and fines should be collected"; did I read that correctly? A. Yes. Q. Okay. How describe this process to me. Describe the determination of whether this is representative based on this information. A. Well, this specific sample, if you continue reading, it says, "This will allow a more
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. SILVER: Did you say Exhibit 1? You said turning to Exhibit 1. You didn't mean MS. SCOTT: Of 61. Yeah. Sorry. MR. SILVER: Okay. Q. (By Ms. Scott) You don't know if you've seen it before? A. I don't recall. Q. Okay. Just by taking a look at the document, is there any way to determine the date of this the range of dates where this in-process sampling procedure might be in place? It may not be, but, you know, just A. Based on the header? Q. Based on the document itself. A. Right. Q. The content of the document itself, yes. A. It's got a Luzenac letterhead, so that	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	it's the sample description is "Ore" and the type is "Grab"; do you see that? A. Yes. Q. It says, "Sample is collected after passing through the crusher on the belt leading to the dryer," right? A. Yes. Q. And "This sample is to be a representative sample of all the ore in that a proportional amount of stones and fines should be collected"; did I read that correctly? A. Yes. Q. Okay. How describe this process to me. Describe the determination of whether this is representative based on this information. A. Well, this specific sample, if you continue reading, it says, "This will allow a more representative moisture analysis." And they would
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. SILVER: Did you say Exhibit 1? You said turning to Exhibit 1. You didn't mean MS. SCOTT: Of 61. Yeah. Sorry. MR. SILVER: Okay. Q. (By Ms. Scott) You don't know if you've seen it before? A. I don't recall. Q. Okay. Just by taking a look at the document, is there any way to determine the date of this the range of dates where this in-process sampling procedure might be in place? It may not be, but, you know, just A. Based on the header? Q. Based on the document itself. A. Right. Q. The content of the document itself, yes. A. It's got a Luzenac letterhead, so that is post 1992.	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	it's the sample description is "Ore" and the type is "Grab"; do you see that? A. Yes. Q. It says, "Sample is collected after passing through the crusher on the belt leading to the dryer," right? A. Yes. Q. And "This sample is to be a representative sample of all the ore in that a proportional amount of stones and fines should be collected"; did I read that correctly? A. Yes. Q. Okay. How describe this process to me. Describe the determination of whether this is representative based on this information. A. Well, this specific sample, if you continue reading, it says, "This will allow a more representative moisture analysis." And they would take two pounds of the sample. So this is to
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. SILVER: Did you say Exhibit 1? You said turning to Exhibit 1. You didn't mean MS. SCOTT: Of 61. Yeah. Sorry. MR. SILVER: Okay. Q. (By Ms. Scott) You don't know if you've seen it before? A. I don't recall. Q. Okay. Just by taking a look at the document, is there any way to determine the date of this the range of dates where this in-process sampling procedure might be in place? It may not be, but, you know, just A. Based on the header? Q. Based on the document itself. A. Right. Q. The content of the document itself, yes. A. It's got a Luzenac letterhead, so that is post 1992. Q. Okay. Fair enough.	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	it's the sample description is "Ore" and the type is "Grab"; do you see that? A. Yes. Q. It says, "Sample is collected after passing through the crusher on the belt leading to the dryer," right? A. Yes. Q. And "This sample is to be a representative sample of all the ore in that a proportional amount of stones and fines should be collected"; did I read that correctly? A. Yes. Q. Okay. How describe this process to me. Describe the determination of whether this is representative based on this information. A. Well, this specific sample, if you continue reading, it says, "This will allow a more representative moisture analysis." And they would take two pounds of the sample. So this is to monitor the moisture level being fed to the dryer
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. SILVER: Did you say Exhibit 1? You said turning to Exhibit 1. You didn't mean MS. SCOTT: Of 61. Yeah. Sorry. MR. SILVER: Okay. Q. (By Ms. Scott) You don't know if you've seen it before? A. I don't recall. Q. Okay. Just by taking a look at the document, is there any way to determine the date of this the range of dates where this in-process sampling procedure might be in place? It may not be, but, you know, just A. Based on the header? Q. Based on the document itself. A. Right. Q. The content of the document itself, yes. A. It's got a Luzenac letterhead, so that is post 1992.	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	it's the sample description is "Ore" and the type is "Grab"; do you see that? A. Yes. Q. It says, "Sample is collected after passing through the crusher on the belt leading to the dryer," right? A. Yes. Q. And "This sample is to be a representative sample of all the ore in that a proportional amount of stones and fines should be collected"; did I read that correctly? A. Yes. Q. Okay. How describe this process to me. Describe the determination of whether this is representative based on this information. A. Well, this specific sample, if you continue reading, it says, "This will allow a more representative moisture analysis." And they would take two pounds of the sample. So this is to

59 (Pages 488 to 491)

	Page 492		Page 494
1	before being fed to the roller mill.	1	a farm, I think you mentioned. The skid-steer
2	Q. Okay. And is there any way of	2	loader a Bobcat is a brand name much like Xerox
3	determining strike that.	3	is what we call a photo copier. But it's a
4	Generally, when we're looking at an ore	4	skid-steer loader. The bucket width of a
5	sample in this type of in-process sampling, what	5	skid-steer, if you're operating the controls, the
6	volume of ore are we talking about?	6	side of it extends the bucket width is probably
7	A. I'm not sure what you mean by "what	7	about that wide at least (indicating), you know.
8	volume of ore."	8	Is that four feet or so?
9	Q. Well, this is a sample description of	9	Q. Sure.
10	ore. And I'm trying to figure out what volume of	10	A. And I would estimate that it's
11	ore, because then we you know, when we look at	11	probably the bucket itself is maybe 30 to 36
12	the method, we know that two pounds of the sample	12	inches deep and 30 inches high. So you can get a
13	is taken, so I'm trying to figure out two pounds of	13	very big scoop of material from that.
14	what?	14	Q. Turn to the second page for me. Under
15	A. Two pounds of the ore being fed to the	15	section 4.3.4, this is the distribution of samples
16	plant is taken, but the purpose of this particular	16	for various testing.
17	sample is only to measure the amount of moisture in	17	And we talked a little bit earlier about
18	the ore that's being fed to the plant.	18	Houston, right? Houston being the place where the
19	Q. Mr. Downey, I'm going to hand you what's	19	Chinese ore was sent in the U.S.?
20	been marked as Exhibit 62 to your deposition.	20	A. Yes.
21	(Exhibit 62 was marked for identification.)	21	Q. Okay. And so 4.3.4 indicates that "The
22	Q. (By Ms. Scott) These are sample	22	Houston lab tech will make a composite from the
23	procedures for Chinese crude ore; do you see that?	23	three 5-gallon samples turned in." And that
24	A. Yes.	24	"composite will be placed in a quart-sized
25	Q. Okay. And in the introduction, it says,	25	Ziploc-type bag and will be picked up by an
	Page 493		Page 495
-1			
1	"This procedure details how to collect samples of	1	approved contract laboratory for further analysis";
2	"This procedure details how to collect samples of Chinese number 1 and Chinese number 2 crude ore,	1 2	approved contract laboratory for further analysis"; did I read that correctly?
	-		= -
2	Chinese number 1 and Chinese number 2 crude ore,	2	did I read that correctly?
2 3	Chinese number 1 and Chinese number 2 crude ore, how to crush and conduct level tests on the	2	did I read that correctly? A. Yes.
2 3 4	Chinese number 1 and Chinese number 2 crude ore, how to crush and conduct level tests on the samples, and, finally, the distribution of those samples." And if we look down at the procedure, we see	2 3 4	did I read that correctly? A. Yes. Q. Is it fair to say that of the amount collected in this sample procedure, based on the several tons that are collected in each shipment,
2 3 4 5	Chinese number 1 and Chinese number 2 crude ore, how to crush and conduct level tests on the samples, and, finally, the distribution of those samples."	2 3 4 5	did I read that correctly? A. Yes. Q. Is it fair to say that of the amount collected in this sample procedure, based on the
2 3 4 5 6	Chinese number 1 and Chinese number 2 crude ore, how to crush and conduct level tests on the samples, and, finally, the distribution of those samples." And if we look down at the procedure, we see that there is a different sampling procedure for Chinese number 1, Chinese number 3, and Australian	2 3 4 5 6	did I read that correctly? A. Yes. Q. Is it fair to say that of the amount collected in this sample procedure, based on the several tons that are collected in each shipment, that a quart-sized Ziploc-type bag is what goes to the lab for testing?
2 3 4 5 6 7	Chinese number 1 and Chinese number 2 crude ore, how to crush and conduct level tests on the samples, and, finally, the distribution of those samples." And if we look down at the procedure, we see that there is a different sampling procedure for Chinese number 1, Chinese number 3, and Australian ore sampling procedure and for Chinese number 2	2 3 4 5 6 7	did I read that correctly? A. Yes. Q. Is it fair to say that of the amount collected in this sample procedure, based on the several tons that are collected in each shipment, that a quart-sized Ziploc-type bag is what goes to the lab for testing? A. Well, you said "several tons." These
2 3 4 5 6 7 8	Chinese number 1 and Chinese number 2 crude ore, how to crush and conduct level tests on the samples, and, finally, the distribution of those samples." And if we look down at the procedure, we see that there is a different sampling procedure for Chinese number 1, Chinese number 3, and Australian	2 3 4 5 6 7 8	did I read that correctly? A. Yes. Q. Is it fair to say that of the amount collected in this sample procedure, based on the several tons that are collected in each shipment, that a quart-sized Ziploc-type bag is what goes to the lab for testing? A. Well, you said "several tons." These we're taking a Bobcat scoop from every other truck
2 3 4 5 6 7 8 9 10	Chinese number 1 and Chinese number 2 crude ore, how to crush and conduct level tests on the samples, and, finally, the distribution of those samples." And if we look down at the procedure, we see that there is a different sampling procedure for Chinese number 1, Chinese number 3, and Australian ore sampling procedure and for Chinese number 2 sampling procedure; do you see that? A. Yes.	2 3 4 5 6 7 8 9 10	did I read that correctly? A. Yes. Q. Is it fair to say that of the amount collected in this sample procedure, based on the several tons that are collected in each shipment, that a quart-sized Ziploc-type bag is what goes to the lab for testing? A. Well, you said "several tons." These we're taking a Bobcat scoop from every other truck in a shipment. If a shipment comes in that's
2 3 4 5 6 7 8 9 10 11 12	Chinese number 1 and Chinese number 2 crude ore, how to crush and conduct level tests on the samples, and, finally, the distribution of those samples." And if we look down at the procedure, we see that there is a different sampling procedure for Chinese number 1, Chinese number 3, and Australian ore sampling procedure and for Chinese number 2 sampling procedure; do you see that? A. Yes. Q. And why would there be a difference in	2 3 4 5 6 7 8 9 10 11 12	did I read that correctly? A. Yes. Q. Is it fair to say that of the amount collected in this sample procedure, based on the several tons that are collected in each shipment, that a quart-sized Ziploc-type bag is what goes to the lab for testing? A. Well, you said "several tons." These we're taking a Bobcat scoop from every other truck in a shipment. If a shipment comes in that's 10,000 tons, that's 500 scoops of a skid-steer
2 3 4 5 6 7 8 9 10 11 12 13	Chinese number 1 and Chinese number 2 crude ore, how to crush and conduct level tests on the samples, and, finally, the distribution of those samples." And if we look down at the procedure, we see that there is a different sampling procedure for Chinese number 1, Chinese number 3, and Australian ore sampling procedure and for Chinese number 2 sampling procedure; do you see that? A. Yes. Q. And why would there be a difference in those two sampling procedures?	2 3 4 5 6 7 8 9 10 11 12 13	did I read that correctly? A. Yes. Q. Is it fair to say that of the amount collected in this sample procedure, based on the several tons that are collected in each shipment, that a quart-sized Ziploc-type bag is what goes to the lab for testing? A. Well, you said "several tons." These we're taking a Bobcat scoop from every other truck in a shipment. If a shipment comes in that's 10,000 tons, that's 500 scoops of a skid-steer loader. That's much more than several tons.
2 3 4 5 6 7 8 9 10 11 12 13 14	Chinese number 1 and Chinese number 2 crude ore, how to crush and conduct level tests on the samples, and, finally, the distribution of those samples." And if we look down at the procedure, we see that there is a different sampling procedure for Chinese number 1, Chinese number 3, and Australian ore sampling procedure and for Chinese number 2 sampling procedure; do you see that? A. Yes. Q. And why would there be a difference in those two sampling procedures? A. Because there's a higher frequency of	2 3 4 5 6 7 8 9 10 11 12 13 14	did I read that correctly? A. Yes. Q. Is it fair to say that of the amount collected in this sample procedure, based on the several tons that are collected in each shipment, that a quart-sized Ziploc-type bag is what goes to the lab for testing? A. Well, you said "several tons." These we're taking a Bobcat scoop from every other truck in a shipment. If a shipment comes in that's 10,000 tons, that's 500 scoops of a skid-steer loader. That's much more than several tons. Q. Okay. And from that, a quart-sized
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Chinese number 1 and Chinese number 2 crude ore, how to crush and conduct level tests on the samples, and, finally, the distribution of those samples." And if we look down at the procedure, we see that there is a different sampling procedure for Chinese number 1, Chinese number 3, and Australian ore sampling procedure and for Chinese number 2 sampling procedure; do you see that? A. Yes. Q. And why would there be a difference in those two sampling procedures? A. Because there's a higher frequency of sampling the Chinese number 2 compared to Chinese	2 3 4 5 6 7 8 9 10 11 12 13 14 15	did I read that correctly? A. Yes. Q. Is it fair to say that of the amount collected in this sample procedure, based on the several tons that are collected in each shipment, that a quart-sized Ziploc-type bag is what goes to the lab for testing? A. Well, you said "several tons." These we're taking a Bobcat scoop from every other truck in a shipment. If a shipment comes in that's 10,000 tons, that's 500 scoops of a skid-steer loader. That's much more than several tons. Q. Okay. And from that, a quart-sized Ziploc baggie is what's taken for testing for
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Chinese number 1 and Chinese number 2 crude ore, how to crush and conduct level tests on the samples, and, finally, the distribution of those samples." And if we look down at the procedure, we see that there is a different sampling procedure for Chinese number 1, Chinese number 3, and Australian ore sampling procedure and for Chinese number 2 sampling procedure; do you see that? A. Yes. Q. And why would there be a difference in those two sampling procedures? A. Because there's a higher frequency of sampling the Chinese number 2 compared to Chinese number 1, number 3 and Australian ore.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	did I read that correctly? A. Yes. Q. Is it fair to say that of the amount collected in this sample procedure, based on the several tons that are collected in each shipment, that a quart-sized Ziploc-type bag is what goes to the lab for testing? A. Well, you said "several tons." These we're taking a Bobcat scoop from every other truck in a shipment. If a shipment comes in that's 10,000 tons, that's 500 scoops of a skid-steer loader. That's much more than several tons. Q. Okay. And from that, a quart-sized Ziploc baggie is what's taken for testing for further analysis, correct?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Chinese number 1 and Chinese number 2 crude ore, how to crush and conduct level tests on the samples, and, finally, the distribution of those samples." And if we look down at the procedure, we see that there is a different sampling procedure for Chinese number 1, Chinese number 3, and Australian ore sampling procedure and for Chinese number 2 sampling procedure; do you see that? A. Yes. Q. And why would there be a difference in those two sampling procedures? A. Because there's a higher frequency of sampling the Chinese number 2 compared to Chinese number 1, number 3 and Australian ore. Q. Why is there a higher frequency?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	did I read that correctly? A. Yes. Q. Is it fair to say that of the amount collected in this sample procedure, based on the several tons that are collected in each shipment, that a quart-sized Ziploc-type bag is what goes to the lab for testing? A. Well, you said "several tons." These we're taking a Bobcat scoop from every other truck in a shipment. If a shipment comes in that's 10,000 tons, that's 500 scoops of a skid-steer loader. That's much more than several tons. Q. Okay. And from that, a quart-sized Ziploc baggie is what's taken for testing for further analysis, correct? A. Well, from I mean, you skipped over a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Chinese number 1 and Chinese number 2 crude ore, how to crush and conduct level tests on the samples, and, finally, the distribution of those samples." And if we look down at the procedure, we see that there is a different sampling procedure for Chinese number 1, Chinese number 3, and Australian ore sampling procedure and for Chinese number 2 sampling procedure; do you see that? A. Yes. Q. And why would there be a difference in those two sampling procedures? A. Because there's a higher frequency of sampling the Chinese number 2 compared to Chinese number 1, number 3 and Australian ore. Q. Why is there a higher frequency? A. It's my understanding that that was a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	did I read that correctly? A. Yes. Q. Is it fair to say that of the amount collected in this sample procedure, based on the several tons that are collected in each shipment, that a quart-sized Ziploc-type bag is what goes to the lab for testing? A. Well, you said "several tons." These we're taking a Bobcat scoop from every other truck in a shipment. If a shipment comes in that's 10,000 tons, that's 500 scoops of a skid-steer loader. That's much more than several tons. Q. Okay. And from that, a quart-sized Ziploc baggie is what's taken for testing for further analysis, correct? A. Well, from I mean, you skipped over a lot of the procedure, but in the end, a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Chinese number 1 and Chinese number 2 crude ore, how to crush and conduct level tests on the samples, and, finally, the distribution of those samples." And if we look down at the procedure, we see that there is a different sampling procedure for Chinese number 1, Chinese number 3, and Australian ore sampling procedure and for Chinese number 2 sampling procedure; do you see that? A. Yes. Q. And why would there be a difference in those two sampling procedures? A. Because there's a higher frequency of sampling the Chinese number 2 compared to Chinese number 1, number 3 and Australian ore. Q. Why is there a higher frequency? A. It's my understanding that that was a requirement from Johnson & Johnson.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	did I read that correctly? A. Yes. Q. Is it fair to say that of the amount collected in this sample procedure, based on the several tons that are collected in each shipment, that a quart-sized Ziploc-type bag is what goes to the lab for testing? A. Well, you said "several tons." These we're taking a Bobcat scoop from every other truck in a shipment. If a shipment comes in that's 10,000 tons, that's 500 scoops of a skid-steer loader. That's much more than several tons. Q. Okay. And from that, a quart-sized Ziploc baggie is what's taken for testing for further analysis, correct? A. Well, from I mean, you skipped over a lot of the procedure, but in the end, a representative composite of that is what did you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Chinese number 1 and Chinese number 2 crude ore, how to crush and conduct level tests on the samples, and, finally, the distribution of those samples." And if we look down at the procedure, we see that there is a different sampling procedure for Chinese number 1, Chinese number 3, and Australian ore sampling procedure and for Chinese number 2 sampling procedure; do you see that? A. Yes. Q. And why would there be a difference in those two sampling procedures? A. Because there's a higher frequency of sampling the Chinese number 2 compared to Chinese number 1, number 3 and Australian ore. Q. Why is there a higher frequency? A. It's my understanding that that was a requirement from Johnson & Johnson. Q. The Bobcat scoop that is referenced here	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	did I read that correctly? A. Yes. Q. Is it fair to say that of the amount collected in this sample procedure, based on the several tons that are collected in each shipment, that a quart-sized Ziploc-type bag is what goes to the lab for testing? A. Well, you said "several tons." These we're taking a Bobcat scoop from every other truck in a shipment. If a shipment comes in that's 10,000 tons, that's 500 scoops of a skid-steer loader. That's much more than several tons. Q. Okay. And from that, a quart-sized Ziploc baggie is what's taken for testing for further analysis, correct? A. Well, from I mean, you skipped over a lot of the procedure, but in the end, a representative composite of that is what did you say, a quart-sized bag?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Chinese number 1 and Chinese number 2 crude ore, how to crush and conduct level tests on the samples, and, finally, the distribution of those samples." And if we look down at the procedure, we see that there is a different sampling procedure for Chinese number 1, Chinese number 3, and Australian ore sampling procedure and for Chinese number 2 sampling procedure; do you see that? A. Yes. Q. And why would there be a difference in those two sampling procedures? A. Because there's a higher frequency of sampling the Chinese number 2 compared to Chinese number 1, number 3 and Australian ore. Q. Why is there a higher frequency? A. It's my understanding that that was a requirement from Johnson & Johnson. Q. The Bobcat scoop that is referenced here in 4.1.2, do you have any knowledge as to how much	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	did I read that correctly? A. Yes. Q. Is it fair to say that of the amount collected in this sample procedure, based on the several tons that are collected in each shipment, that a quart-sized Ziploc-type bag is what goes to the lab for testing? A. Well, you said "several tons." These we're taking a Bobcat scoop from every other truck in a shipment. If a shipment comes in that's 10,000 tons, that's 500 scoops of a skid-steer loader. That's much more than several tons. Q. Okay. And from that, a quart-sized Ziploc baggie is what's taken for testing for further analysis, correct? A. Well, from I mean, you skipped over a lot of the procedure, but in the end, a representative composite of that is what did you say, a quart-sized bag? Q. That's right. A quart-sized Ziploc bag.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Chinese number 1 and Chinese number 2 crude ore, how to crush and conduct level tests on the samples, and, finally, the distribution of those samples." And if we look down at the procedure, we see that there is a different sampling procedure for Chinese number 1, Chinese number 3, and Australian ore sampling procedure and for Chinese number 2 sampling procedure; do you see that? A. Yes. Q. And why would there be a difference in those two sampling procedures? A. Because there's a higher frequency of sampling the Chinese number 2 compared to Chinese number 1, number 3 and Australian ore. Q. Why is there a higher frequency? A. It's my understanding that that was a requirement from Johnson & Johnson. Q. The Bobcat scoop that is referenced here in 4.1.2, do you have any knowledge as to how much a Bobcat scoop holds? How many ounces?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	did I read that correctly? A. Yes. Q. Is it fair to say that of the amount collected in this sample procedure, based on the several tons that are collected in each shipment, that a quart-sized Ziploc-type bag is what goes to the lab for testing? A. Well, you said "several tons." These we're taking a Bobcat scoop from every other truck in a shipment. If a shipment comes in that's 10,000 tons, that's 500 scoops of a skid-steer loader. That's much more than several tons. Q. Okay. And from that, a quart-sized Ziploc baggie is what's taken for testing for further analysis, correct? A. Well, from I mean, you skipped over a lot of the procedure, but in the end, a representative composite of that is what did you say, a quart-sized bag? Q. That's right. A quart-sized Ziploc bag. A. That's what it says, yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Chinese number 1 and Chinese number 2 crude ore, how to crush and conduct level tests on the samples, and, finally, the distribution of those samples." And if we look down at the procedure, we see that there is a different sampling procedure for Chinese number 1, Chinese number 3, and Australian ore sampling procedure and for Chinese number 2 sampling procedure; do you see that? A. Yes. Q. And why would there be a difference in those two sampling procedures? A. Because there's a higher frequency of sampling the Chinese number 2 compared to Chinese number 1, number 3 and Australian ore. Q. Why is there a higher frequency? A. It's my understanding that that was a requirement from Johnson & Johnson. Q. The Bobcat scoop that is referenced here in 4.1.2, do you have any knowledge as to how much a Bobcat scoop holds? How many ounces? A. Ounces?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	did I read that correctly? A. Yes. Q. Is it fair to say that of the amount collected in this sample procedure, based on the several tons that are collected in each shipment, that a quart-sized Ziploc-type bag is what goes to the lab for testing? A. Well, you said "several tons." These we're taking a Bobcat scoop from every other truck in a shipment. If a shipment comes in that's 10,000 tons, that's 500 scoops of a skid-steer loader. That's much more than several tons. Q. Okay. And from that, a quart-sized Ziploc baggie is what's taken for testing for further analysis, correct? A. Well, from I mean, you skipped over a lot of the procedure, but in the end, a representative composite of that is what did you say, a quart-sized bag? Q. That's right. A quart-sized Ziploc bag. A. That's what it says, yes. Q. And that is what Imerys determined was a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Chinese number 1 and Chinese number 2 crude ore, how to crush and conduct level tests on the samples, and, finally, the distribution of those samples." And if we look down at the procedure, we see that there is a different sampling procedure for Chinese number 1, Chinese number 3, and Australian ore sampling procedure and for Chinese number 2 sampling procedure; do you see that? A. Yes. Q. And why would there be a difference in those two sampling procedures? A. Because there's a higher frequency of sampling the Chinese number 2 compared to Chinese number 1, number 3 and Australian ore. Q. Why is there a higher frequency? A. It's my understanding that that was a requirement from Johnson & Johnson. Q. The Bobcat scoop that is referenced here in 4.1.2, do you have any knowledge as to how much a Bobcat scoop holds? How many ounces?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	did I read that correctly? A. Yes. Q. Is it fair to say that of the amount collected in this sample procedure, based on the several tons that are collected in each shipment, that a quart-sized Ziploc-type bag is what goes to the lab for testing? A. Well, you said "several tons." These we're taking a Bobcat scoop from every other truck in a shipment. If a shipment comes in that's 10,000 tons, that's 500 scoops of a skid-steer loader. That's much more than several tons. Q. Okay. And from that, a quart-sized Ziploc baggie is what's taken for testing for further analysis, correct? A. Well, from I mean, you skipped over a lot of the procedure, but in the end, a representative composite of that is what did you say, a quart-sized bag? Q. That's right. A quart-sized Ziploc bag. A. That's what it says, yes.

60 (Pages 492 to 495)

	Page 496		Page 498
1	A. Yes.	1	to the lab tech for testing for hazardous
2	Q. I'm going to mark and hand you	2	contaminants?
3	Exhibit 63.	3	A. For what?
4	(Exhibit 63 was marked for identification.)	4	Q. Hazardous contaminants.
5	Q. (By Ms. Scott) This is the Imerys	5	MR. PROST: Objection.
6	Houston operations from 2013. I failed to mention	6	A. The I'm not sure what you mean by
7	that Exhibit 62 was the operations the sample	7	"hazardous." It goes to Intertek for USP and FCC
8	procedures for Chinese crude ore from August 2008,	8	testing.
9	okay?	9	Q. (By Ms. Scott) Okay. And would USP and
10	And this is the sampling and testing on	10	FCC testing include testing for hazardous
11	crude ore and finished product, dated May 15, 2013;	11	contaminants?
12	do you see that?	12	MR. PROST: Object to form.
13	A. For USP and FCC sampling.	13	A. It's been a long day. I can't recall
14	Q. Okay. And what is USP/FCC?	14	the parameters that we're measuring. Iron is one
15	A. USP stands for United States	15	of them that I recall, acid solubles, soluble
16	Pharmacopeia, and FCC is the Food Food and	16	salts. I don't know those to be hazards.
	Chemicals Codex.		
17		17	Q. (By Ms. Scott) Let's look at the last
18	Q. Okay. And this, again, is crude ore	18	sentence in step 9 on page 2 of Exhibit 63. The
19	coming from China and going to Houston, correct?	19	last sentence reads, "The AFG grind is used since
20	A. I need to review this.	20	it will show contaminants easier than the RM
21	Q. And I should ask you if you've ever seen	21	grind."
22	this document before.	22	Does that help you understand that that
23	A. Yeah, I'm pretty sure I have. And this	23	Ziploc-type bag is going to be tested for hazardous
24	is Version 1. I was going to say, or perhaps a	24	contaminants?
25	different version of it. This is Version 1, unless	25	MR. PROST: Object to form.
	Page 497		Page 499
1	there's a later version and that's what I saw. I	1	A. This doesn't say "hazardous
2	don't know.	2	contaminants."
3	Q. Okay. And much like the document we	3	MS. SCOTT: Okay. What's our time?
4	just looked at, this details a procedure of	4	VIDEOGRAPHER: So we have six hours, 48
5	collecting scoops with a Bobcat to eventually,	5	minutes.
6	through various processes, get it down to a portion	6	MS. SCOTT: Can we take a quick break?
7	that can be sent off to a lab for sampling; is that	7	VIDEOGRAPHER: Off the record at 6:26.
8	fair?	8	(Recess taken.)
9	A. Yeah. But it references Chinese	9	VIDEOGRAPHER: We are back on the record
10	number 1, Chinese 3, Chinese 4, Chinese 5 and	10	at 6:43.
11	Australian A1. This is not about Chinese number 2.	11	Q. (By Ms. Scott) Mr. Downey, in
12	Q. Page 2 is, section 4.2.	12	April 2001, was Imerys supplying talc for cosmetic
13		1.0	
1	And, again, here, the procedure, we start	13	purposes to J&J?
14	And, again, here, the procedure, we start with a Bobcat scoop. We go through several	13 14	purposes to J&J? A. April 2001?
14 15	*		
	with a Bobcat scoop. We go through several	14	A. April 2001?
15	with a Bobcat scoop. We go through several processes, multiple, multiple tons. And at the	14 15	A. April 2001? Q. '1. Mm-hmm.
15 16	with a Bobcat scoop. We go through several processes, multiple, multiple tons. And at the end, if you look at number 9 under the procedures,	14 15 16	A. April 2001?Q. '1. Mm-hmm.A. That would have been Luzenac America,
15 16 17	with a Bobcat scoop. We go through several processes, multiple, multiple tons. And at the end, if you look at number 9 under the procedures, step number 9, we see "The Lab Tech will send a	14 15 16 17	A. April 2001? Q. '1. Mm-hmm. A. That would have been Luzenac America, yes.
15 16 17 18	with a Bobcat scoop. We go through several processes, multiple, multiple tons. And at the end, if you look at number 9 under the procedures, step number 9, we see "The Lab Tech will send a quart-size Ziploc-type bag with the AFG grind to	14 15 16 17 18	A. April 2001? Q. '1. Mm-hmm. A. That would have been Luzenac America, yes. Q. Luzenac America, but Imerys,
15 16 17 18 19	with a Bobcat scoop. We go through several processes, multiple, multiple tons. And at the end, if you look at number 9 under the procedures, step number 9, we see "The Lab Tech will send a quart-size Ziploc-type bag with the AFG grind to Intertek Laboratory for USP/FCC testing as per	14 15 16 17 18	A. April 2001? Q. '1. Mm-hmm. A. That would have been Luzenac America, yes. Q. Luzenac America, but Imerys, essentially?
15 16 17 18 19 20	with a Bobcat scoop. We go through several processes, multiple, multiple tons. And at the end, if you look at number 9 under the procedures, step number 9, we see "The Lab Tech will send a quart-size Ziploc-type bag with the AFG grind to Intertek Laboratory for USP/FCC testing as per protocol"; did I read that correctly?	14 15 16 17 18 19 20	A. April 2001? Q. '1. Mm-hmm. A. That would have been Luzenac America, yes. Q. Luzenac America, but Imerys, essentially? A. Yes. Yes.
15 16 17 18 19 20 21	with a Bobcat scoop. We go through several processes, multiple, multiple tons. And at the end, if you look at number 9 under the procedures, step number 9, we see "The Lab Tech will send a quart-size Ziploc-type bag with the AFG grind to Intertek Laboratory for USP/FCC testing as per protocol"; did I read that correctly? A. "As per attached protocol xxxxx." Q. Right. So is it fair to say that, like	14 15 16 17 18 19 20 21	A. April 2001? Q. '1. Mm-hmm. A. That would have been Luzenac America, yes. Q. Luzenac America, but Imerys, essentially? A. Yes. Yes. MS. SCOTT: We are going to late-mark this exhibit because we're getting paper copies of it as
15 16 17 18 19 20 21 22	with a Bobcat scoop. We go through several processes, multiple, multiple tons. And at the end, if you look at number 9 under the procedures, step number 9, we see "The Lab Tech will send a quart-size Ziploc-type bag with the AFG grind to Intertek Laboratory for USP/FCC testing as per protocol"; did I read that correctly? A. "As per attached protocol xxxxxx."	14 15 16 17 18 19 20 21	A. April 2001? Q. '1. Mm-hmm. A. That would have been Luzenac America, yes. Q. Luzenac America, but Imerys, essentially? A. Yes. Yes. MS. SCOTT: We are going to late-mark this
15 16 17 18 19 20 21 22	with a Bobcat scoop. We go through several processes, multiple, multiple tons. And at the end, if you look at number 9 under the procedures, step number 9, we see "The Lab Tech will send a quart-size Ziploc-type bag with the AFG grind to Intertek Laboratory for USP/FCC testing as per protocol"; did I read that correctly? A. "As per attached protocol xxxxx." Q. Right. So is it fair to say that, like	14 15 16 17 18 19 20 21	A. April 2001? Q. '1. Mm-hmm. A. That would have been Luzenac America, yes. Q. Luzenac America, but Imerys, essentially? A. Yes. Yes. MS. SCOTT: We are going to late-mark this exhibit because we're getting paper copies of it as

61 (Pages 496 to 499)

1 to your deposition. And this is an April 3rd, 1 operat	Page 502
T T TO YOU UCDOSHOU. AND HIS IS AN ADMISSION TO THE ODERAL	ions to confirm the absence of asbestos?
	R. PROST: Object to form; outside the
	This is Julie Pier's designated area for
4 MR. SILVER: First we need can you just 4 testime	_
	S. SCOTT: Well, it's asking about
	it's talking about the protocol for
	ng. I'm happy to ask it to narrow it to
8 IMERYS 460527. 8 sampli	
_	What was the question?
· · · · · · · · · · · · · · · · · · ·	(By Ms. Scott) Mr. Downey, is it your
	ection that in April 2001 that there was no
	rd protocol for sampling talc products from
	American mining and milling operations to
	m the absence of asbestos?
	It's my understanding that, in Vermont,
	vere a number of standard operating
	lures that we've already looked at today.
J 1 0	But you said earlier that Mr. Zazenski
* * * ·	hat was his title?
· ·	Does he give his title at this time?
	He doesn't give his title, but what do
	call his title being in 2001?
	I don't know about 2001, but
· ·	azenski, at least at some period of time, was
	ector of product safety, I think was his
Page 501	Page 503
1 MS. SCOTT: Sure. 1 title.	
	Okay. And do you have any reason to
	that Mr. Zazenski would misrepresent that
2	as no standard protocol for sampling talc
	ts for North American mining and milling
	ons to confirm the absence of asbestos?
	R. PROST: Object to form.
	If you read under "Ludlow/Windsor," it
	at "Detailed protocol summarized in attached
	' So there was a protocol for Windsor. So
	stated it the way he said it, I don't know.
	he said that maybe he meant that not all
12 of Asbestos Testing - North American Operations," 12 Maybe	the same thing.
12 of Asbestos Testing - North American Operations," 12 Maybe 13 correct? 13 sites do	the same thing.
12of Asbestos Testing - North American Operations,"12Maybe13correct?13sites do14A. Yes.14Q.	the same thing. But what he wrote was that there is no
12of Asbestos Testing - North American Operations,"12Maybe13correct?13sites do14A. Yes.14Q.15Q. And if you can read that first paragraph15standar	the same thing.
12 of Asbestos Testing - North American Operations," 12 Maybe 13 correct? 13 sites do 14 A. Yes. 14 Q. 15 Q. And if you can read that first paragraph 15 standar 16 in, please? 16 produc	be the same thing. But what he wrote was that there is no d protocol for sampling and testing talc
12 of Asbestos Testing - North American Operations," 12 Maybe 13 correct? 13 sites do 14 A. Yes. 14 Q. 15 Q. And if you can read that first paragraph 15 standar 16 in, please? 16 product 17 A. "There is no standard protocol for 17 operation."	be the same thing. But what he wrote was that there is no did protocol for sampling and testing talc ts in North American mining and milling
12 of Asbestos Testing - North American Operations," 12 Maybe 13 correct? 13 sites do 14 A. Yes. 14 Q. 15 Q. And if you can read that first paragraph 15 standar 16 in, please? 16 product 17 A. "There is no standard protocol for 17 operations 18 sampling and testing tale products from North 18 That's 19 documents 19 for the 19 documents 19 do	be the same thing. But what he wrote was that there is no diprotocol for sampling and testing talc testing talc testing the testing talc tes
12 of Asbestos Testing - North American Operations," 12 Maybe 13 correct? 13 sites do 14 A. Yes. 14 Q. 15 Q. And if you can read that first paragraph 15 standard in, please? 16 product 17 A. "There is no standard protocol for 17 operati 18 sampling and testing talc products from North 18 That's 19 American mining and milling operations to confirm 19 Milling operations."	be the same thing. But what he wrote was that there is no deprotocol for sampling and testing tale its in North American mining and milling ions to confirm the asbestos, correct? What the document says?
12 of Asbestos Testing - North American Operations," 13 sites do 14 A. Yes. 15 Q. And if you can read that first paragraph 16 in, please? 17 A. "There is no standard protocol for 17 operati 18 sampling and testing talc products from North 18 That's 19 American mining and milling operations to confirm 20 the absence of asbestos. Presently, each location 20 Milling 19 Milli	be the same thing. But what he wrote was that there is no deprotocol for sampling and testing talce the in North American mining and milling constant to confirm the asbestos, correct? What the document says? R. LOCKE: Objection.
12 of Asbestos Testing - North American Operations," 13 sites do 14 A. Yes. 15 Q. And if you can read that first paragraph 16 in, please? 17 A. "There is no standard protocol for sampling and testing talc products from North 18 sampling and testing talc products from North 19 American mining and milling operations to confirm 20 the absence of asbestos. Presently, each location 21 samples and tests as follows." 12 Maybe 23 Asites do 24 Q. 25 Standard 26 product 27 operations 28 That's sampling and milling operations to confirm 29 Milling operations 20 Milling operations 21 Asites do 22 Milling operations	be the same thing. But what he wrote was that there is no deprotocol for sampling and testing talce the in North American mining and milling constant to confirm the asbestos, correct? What the document says? R. LOCKE: Objection. R. PROST: Object to form.
12 of Asbestos Testing - North American Operations," 13 sites de 14 A. Yes. 14 Q. And if you can read that first paragraph 15 standar in, please? 16 in, please? 17 A. "There is no standard protocol for 17 operati 18 sampling and testing talc products from North 18 That's 19 American mining and milling operations to confirm 20 the absence of asbestos. Presently, each location 20 Mil 21 samples and tests as follows." 21 A. Maybe M	be the same thing. But what he wrote was that there is no deprotocol for sampling and testing talce to in North American mining and milling constone confirm the asbestos, correct? What the document says? R. LOCKE: Objection. R. PROST: Object to form. He also wrote, for Ludlow/Windsor, and, "Detailed protocol summarized in attached."
12 of Asbestos Testing - North American Operations," 13 sites do 14 A. Yes. 15 Q. And if you can read that first paragraph 16 in, please? 17 A. "There is no standard protocol for 18 sampling and testing talc products from North 19 American mining and milling operations to confirm 20 the absence of asbestos. Presently, each location 21 samples and tests as follows." 22 Q. Okay. Mr. Downey, is it your 23 recollection that in April 2001 that there was no 21 Maybe Maybe Maybe Maybe Maybe Maybe Miles Maybe Miles Maybe Miles Miles Maybe Miles Mil	be the same thing. But what he wrote was that there is no deprotocol for sampling and testing talce to in North American mining and milling constone confirm the asbestos, correct? What the document says? R. LOCKE: Objection. R. PROST: Object to form. He also wrote, for Ludlow/Windsor, and, "Detailed protocol summarized in attached."

62 (Pages 500 to 503)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 64 of 68 PageID: 51755

Patrick Downey

	Page 504		Page 506
1	requirements (Windsor Minerals purchased from J&J	1	been supplied from Vermont would be what grade?
2	in 1989)."	2	A. Grade 66.
3	Q. Can we agree that the first sentence of	3	Q. All right. Now, yesterday, Miss O'Dell
4	this document says what it says?	4	asked you some questions, and there was some
5	A. It says what it says, and it also	5	back-and-forth about a term "asbestos-free." And
6	says	6	as I recall, she asked you whether or not the talc
7	Q. Thank you.	7	that Imerys supplied to Johnson & Johnson, whether
8	A below that there is a detailed	8	or not it was asbestos-free, and she wanted you to
9	protocol summarized in the attached memo, that it	9	say true or false in response to that. And as I
10	was a strict protocol as a result of J&J	10	recall, you weren't able to just say true or false.
11	requirements.	11	Do you remember those that series of
12	MS. SCOTT: Okay. That's all.	12	questions and answers?
13	MS. O'DELL: Let me just state for the	13	A. Yes, I do.
14	record we should know what the exhibit number this	14	
15	would be.	15	MS. O'DELL: Object to the form.
			Q. (By Mr. Prost) Why were you not able to
16	MS. SCOTT: Yes. This would be Exhibit	16	give a simple true-or-false answer to the question
17	Number 64. Just one second. We don't have to go	17	of "asbestos-free"?
18	off the record.	18	A. Well, I was trying to be scientifically
19	(Pause.)	19	accurate, perhaps hypertechnical, but it was the
20	MS. SCOTT: Okay. That's all. That's all	20	conjunction of the terms "certified" and
21	the questions I have for you.	21	"asbestos-free." That's not the language that we
22	THE WITNESS: Okay.	22	use in our certification. But if you're asking me
23	VIDEOGRAPHER: Just for the record, it is	23	if our product contains asbestos, no, it does not.
24	now 6:50 p.m.	24	Q. (By Mr. Prost) All right. So am I
25	MR. PROST: So I don't need a break. I do	25	correct that you were trying to answer the question
	Page 505		Page 507
1	have some questions, but does Johnson & Johnson or	1	under the context of the testing methodologies and
2	PCPC I guess	2	regulatory requirements with respect to testing of
3	MR. SILVER: It's you first.	3	talc?
4	MS. O'DELL: Me first?	4	MS. O'DELL: Object to the form.
5	MR. SILVER: Yeah.	5	A. Yes.
6	MS. O'DELL: I'm ready to go right into it	6	Q. (By Mr. Prost) By not giving a simple
7	if everybody else is.	7	true-or-false answer to that question, were you in
8	EXAMINATION	8	any way implying that there might be asbestos in
9	BY MR. PROST:	9	the talc that Imerys has supplied to
10	Q. Hello, Mr. Downey.	10	
			Johnson & Johnson dating back to 1989?
11	A. Hello again.	11	Johnson & Johnson dating back to 1989? MS. O'DELL: Object to the form.
11 12	A. Hello again. Q. So we just completed two days of your	11 12	~
	5		MS. O'DELL: Object to the form.
12	Q. So we just completed two days of your	12	MS. O'DELL: Object to the form. A. No, not at all.
12 13	Q. So we just completed two days of your testimony by the plaintiffs' counsel and 14 hours	12 13	MS. O'DELL: Object to the form. A. No, not at all. Q. (By Mr. Prost) And, in fact, does
12 13 14	Q. So we just completed two days of your testimony by the plaintiffs' counsel and 14 hours of testimony; is that correct?	12 13 14	MS. O'DELL: Object to the form. A. No, not at all. Q. (By Mr. Prost) And, in fact, does Imerys certify to Johnson & Johnson whether or not
12 13 14 15	Q. So we just completed two days of your testimony by the plaintiffs' counsel and 14 hours of testimony; is that correct? A. Yes.	12 13 14 15	MS. O'DELL: Object to the form. A. No, not at all. Q. (By Mr. Prost) And, in fact, does Imerys certify to Johnson & Johnson whether or not there is asbestos in the talc that it supplies to
12 13 14 15 16	Q. So we just completed two days of your testimony by the plaintiffs' counsel and 14 hours of testimony; is that correct? A. Yes. Q. I just have a few follow-up questions	12 13 14 15 16	MS. O'DELL: Object to the form. A. No, not at all. Q. (By Mr. Prost) And, in fact, does Imerys certify to Johnson & Johnson whether or not there is asbestos in the talc that it supplies to Johnson & Johnson?
12 13 14 15 16 17	Q. So we just completed two days of your testimony by the plaintiffs' counsel and 14 hours of testimony; is that correct? A. Yes. Q. I just have a few follow-up questions that I would like to ask you regarding some of the	12 13 14 15 16 17	MS. O'DELL: Object to the form. A. No, not at all. Q. (By Mr. Prost) And, in fact, does Imerys certify to Johnson & Johnson whether or not there is asbestos in the talc that it supplies to Johnson & Johnson? A. We certify that there is not asbestos in
12 13 14 15 16 17	Q. So we just completed two days of your testimony by the plaintiffs' counsel and 14 hours of testimony; is that correct? A. Yes. Q. I just have a few follow-up questions that I would like to ask you regarding some of the questions they asked. But first, I thought	12 13 14 15 16 17 18	MS. O'DELL: Object to the form. A. No, not at all. Q. (By Mr. Prost) And, in fact, does Imerys certify to Johnson & Johnson whether or not there is asbestos in the talc that it supplies to Johnson & Johnson? A. We certify that there is not asbestos in our product.
12 13 14 15 16 17 18 19	Q. So we just completed two days of your testimony by the plaintiffs' counsel and 14 hours of testimony; is that correct? A. Yes. Q. I just have a few follow-up questions that I would like to ask you regarding some of the questions they asked. But first, I thought yesterday I heard you say, maybe on one occasion,	12 13 14 15 16 17 18	MS. O'DELL: Object to the form. A. No, not at all. Q. (By Mr. Prost) And, in fact, does Imerys certify to Johnson & Johnson whether or not there is asbestos in the talc that it supplies to Johnson & Johnson? A. We certify that there is not asbestos in our product. Q. And is that something that Imerys, the
12 13 14 15 16 17 18 19 20	Q. So we just completed two days of your testimony by the plaintiffs' counsel and 14 hours of testimony; is that correct? A. Yes. Q. I just have a few follow-up questions that I would like to ask you regarding some of the questions they asked. But first, I thought yesterday I heard you say, maybe on one occasion, that grade 25 talc came from Vermont. I think you	12 13 14 15 16 17 18 19 20	MS. O'DELL: Object to the form. A. No, not at all. Q. (By Mr. Prost) And, in fact, does Imerys certify to Johnson & Johnson whether or not there is asbestos in the talc that it supplies to Johnson & Johnson? A. We certify that there is not asbestos in our product. Q. And is that something that Imerys, the company, stands behind?
12 13 14 15 16 17 18 19 20 21	Q. So we just completed two days of your testimony by the plaintiffs' counsel and 14 hours of testimony; is that correct? A. Yes. Q. I just have a few follow-up questions that I would like to ask you regarding some of the questions they asked. But first, I thought yesterday I heard you say, maybe on one occasion, that grade 25 talc came from Vermont. I think you may have been mistaken.	12 13 14 15 16 17 18 19 20 21	MS. O'DELL: Object to the form. A. No, not at all. Q. (By Mr. Prost) And, in fact, does Imerys certify to Johnson & Johnson whether or not there is asbestos in the talc that it supplies to Johnson & Johnson? A. We certify that there is not asbestos in our product. Q. And is that something that Imerys, the company, stands behind? A. Yes, we do.
12 13 14 15 16 17 18 19 20 21 22	Q. So we just completed two days of your testimony by the plaintiffs' counsel and 14 hours of testimony; is that correct? A. Yes. Q. I just have a few follow-up questions that I would like to ask you regarding some of the questions they asked. But first, I thought yesterday I heard you say, maybe on one occasion, that grade 25 talc came from Vermont. I think you may have been mistaken. A. If I said that, I was mistaken.	12 13 14 15 16 17 18 19 20 21 22	MS. O'DELL: Object to the form. A. No, not at all. Q. (By Mr. Prost) And, in fact, does Imerys certify to Johnson & Johnson whether or not there is asbestos in the talc that it supplies to Johnson & Johnson? A. We certify that there is not asbestos in our product. Q. And is that something that Imerys, the company, stands behind? A. Yes, we do. Q. And is that something that the testing

63 (Pages 504 to 507)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 65 of 68 PageID: 51756 Patrick Downey

	Page 508		Page 510
1	A. Yes, it does.	1	A. Yes.
2	Q. (By Mr. Prost) Now, over the course of	2	Q. So when you see the word "actinolite" in
3	the last two days and 14 hours of questions by the	3	one of these records or documents, does that have
4	plaintiffs' counsel, they've shown you, I think, as	4	anything to do, by itself, with asbestos?
5	many as 60 exhibits or so of documents. And some	5	MS. O'DELL: Object to the form.
6	of them were from some of the mines from Vermont.	6	A. No.
7	Do you generally remember that?	7	Q. (By Mr. Prost) And am I correct, also,
8	A. Yes.	8	that tremolite is an amphibole mineral?
9	Q. And sometimes Miss O'Dell would show you	9	A. Yes, it is.
10	portions of the documents and read to you words	10	Q. And am I also correct that, by far, the
11		11	- · · · · · · · · · · · · · · · · · · ·
	from the documents, and that I just have a	12	most common form of tremolite is the
12	couple of questions about some of those words,		non-asbestiform?
13	okay?	13	MS. O'DELL: Object to the form.
14	A. Okay.	14	A. Yes.
15	Q. I recall her reading several times the	15	Q. (By Mr. Prost) Serpentinite, sometimes
16	word "amphibole" in some of these records.	16	Miss O'Dell would read to you the word
17	Let me just ask you, is amphibole asbestos?	17	"serpentinite" in these records with respect to
18	A. No. Amphibole is a family of minerals	18	some of the mines.
19	that are very common in the earth's crust.	19	Does the word "serpentinite" equal asbestos?
20	Q. Am I correct that the asbestiform of an	20	A. No.
21	amphibole is actually extremely rare as compared to	21	Q. Would it even surprise you to see the
22	the common non-asbestiform of an amphibole?	22	word "serpentinite" with respect to the Vermont
23	A. Yes. And there are only certain	23	mines?
24	amphibole minerals that, on rare instances, in the	24	A. Would it surprise me?
25	right conditions, that can be asbestos.	25	Q. Yes.
	Page 509		Page 511
1	Q. Now, is that a view of you or Imerys, or	1	A. No. It's a the deposit the source
2	is this notion that amphiboles are the most common	2	was serpentinite, and so it was the talc
3	variety is non-asbestiform, is that a generally	3	carbonate was a metamorphic product from the
4	accepted geologic norm?	4	serpentinite, so no, it wouldn't surprise me at
5	MS. O'DELL: Object to the form.	5	all.
6	A. It's generally accepted, yes, that	6	Q. Does the word "schist" equal asbestos?
7	amphibole minerals are commonly found and dispersed	7	A. No.
8		8	Q. Does the word "chlorite" equal asbestos?
-	in cross-grade areas in the earth's crust.		
9	Q. (By Mr. Prost) So when Miss O'Dell	9	A. No.
10	shows you a document dating back to maybe the '70s	10	Q. Does the word "fibrous talc" equal
11	or xue from maybe one of these mines that IXI	11	
12	or '80s from maybe one of these mines that J&J		asbestos?
1	approved for source of talcum and reads the word	12	A. No.
13	approved for source of talcum and reads the word "amphibole," does that have anything to do with	12 13	A. No.Q. Over the last two days, any of the
14	approved for source of talcum and reads the word "amphibole," does that have anything to do with asbestos by itself?	12 13 14	A. No.Q. Over the last two days, any of the documents that were shown to you by Miss O'Dell or
14 15	approved for source of talcum and reads the word "amphibole," does that have anything to do with asbestos by itself? A. No.	12 13 14 15	A. No. Q. Over the last two days, any of the documents that were shown to you by Miss O'Dell or Miss Scott lead you to believe that the talc that
14 15 16	approved for source of talcum and reads the word "amphibole," does that have anything to do with asbestos by itself? A. No. MS. O'DELL: Object to the form.	12 13 14 15 16	A. No. Q. Over the last two days, any of the documents that were shown to you by Miss O'Dell or Miss Scott lead you to believe that the talc that Imerys was mining and supplying to
14 15 16 17	approved for source of talcum and reads the word "amphibole," does that have anything to do with asbestos by itself? A. No. MS. O'DELL: Object to the form. Q. (By Mr. Prost) Let me ask you about the	12 13 14 15 16	A. No. Q. Over the last two days, any of the documents that were shown to you by Miss O'Dell or Miss Scott lead you to believe that the talc that Imerys was mining and supplying to Johnson & Johnson, that it contained as
14 15 16 17 18	approved for source of talcum and reads the word "amphibole," does that have anything to do with asbestos by itself? A. No. MS. O'DELL: Object to the form. Q. (By Mr. Prost) Let me ask you about the word "actinolite." There were times where	12 13 14 15 16 17	A. No. Q. Over the last two days, any of the documents that were shown to you by Miss O'Dell or Miss Scott lead you to believe that the talc that Imerys was mining and supplying to
14 15 16 17 18	approved for source of talcum and reads the word "amphibole," does that have anything to do with asbestos by itself? A. No. MS. O'DELL: Object to the form. Q. (By Mr. Prost) Let me ask you about the	12 13 14 15 16	A. No. Q. Over the last two days, any of the documents that were shown to you by Miss O'Dell or Miss Scott lead you to believe that the talc that Imerys was mining and supplying to Johnson & Johnson, that it contained as
14 15 16 17 18	approved for source of talcum and reads the word "amphibole," does that have anything to do with asbestos by itself? A. No. MS. O'DELL: Object to the form. Q. (By Mr. Prost) Let me ask you about the word "actinolite." There were times where	12 13 14 15 16 17	A. No. Q. Over the last two days, any of the documents that were shown to you by Miss O'Dell or Miss Scott lead you to believe that the talc that Imerys was mining and supplying to Johnson & Johnson, that it contained as
14 15 16 17 18	approved for source of talcum and reads the word "amphibole," does that have anything to do with asbestos by itself? A. No. MS. O'DELL: Object to the form. Q. (By Mr. Prost) Let me ask you about the word "actinolite." There were times where Miss O'Dell read you the word "actinolite" after	12 13 14 15 16 17 18	A. No. Q. Over the last two days, any of the documents that were shown to you by Miss O'Dell or Miss Scott lead you to believe that the talc that Imerys was mining and supplying to Johnson & Johnson, that it contained as
14 15 16 17 18 19 20	approved for source of talcum and reads the word "amphibole," does that have anything to do with asbestos by itself? A. No. MS. O'DELL: Object to the form. Q. (By Mr. Prost) Let me ask you about the word "actinolite." There were times where Miss O'Dell read you the word "actinolite" after some documents that she found dating back to maybe	12 13 14 15 16 17 18 19 20	A. No. Q. Over the last two days, any of the documents that were shown to you by Miss O'Dell or Miss Scott lead you to believe that the talc that Imerys was mining and supplying to Johnson & Johnson, that it contained as
14 15 16 17 18 19 20 21	approved for source of talcum and reads the word "amphibole," does that have anything to do with asbestos by itself? A. No. MS. O'DELL: Object to the form. Q. (By Mr. Prost) Let me ask you about the word "actinolite." There were times where Miss O'Dell read you the word "actinolite" after some documents that she found dating back to maybe the '70s or '80s.	12 13 14 15 16 17 18 19 20 21	A. No. Q. Over the last two days, any of the documents that were shown to you by Miss O'Dell or Miss Scott lead you to believe that the talc that Imerys was mining and supplying to Johnson & Johnson, that it contained as
14 15 16 17 18 19 20 21 22	approved for source of talcum and reads the word "amphibole," does that have anything to do with asbestos by itself? A. No. MS. O'DELL: Object to the form. Q. (By Mr. Prost) Let me ask you about the word "actinolite." There were times where Miss O'Dell read you the word "actinolite" after some documents that she found dating back to maybe the '70s or '80s. Actinolite, am I correct, is an amphibole?	12 13 14 15 16 17 18 19 20 21	A. No. Q. Over the last two days, any of the documents that were shown to you by Miss O'Dell or Miss Scott lead you to believe that the talc that Imerys was mining and supplying to Johnson & Johnson, that it contained as

64 (Pages 508 to 511)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 66 of 68 PageID: 51757

Patrick Downey

	Page 512		Page 514
1	MS. O'DELL: Yeah, that's fine. It won't be	1	A. Yes.
2	a surprise I'll have a minute or so	2	Q. And you indicated that just because
3	MR. SILVER: I was going to say. Get 6	3	something is termed an "amphibole," it does not
4	minutes and 43	4	mean that it is asbestos; do you recall that?
5	VIDEOGRAPHER: Hold on. Hold on. Off the	5	A. Yes.
6	record at 6:58.	6	Q. Would you agree with me that there is a
7	(Recess taken.)	7	form there are forms of amphibole minerals that
8	VIDEOGRAPHER: Back on the record at 6:59.	8	are, in fact, asbestiform? Correct?
9	EXAMINATION	9	A. There are rare amphibole minerals that
10	BY MR. PROST:	10	are asbestos.
11	Q. Mr. Downey, over the last two days,	11	Q. So the answer to my question is "yes"?
12	you've been shown a number of drill core logs.	12	MR. LOCKE: Objection.
13	A. Yes.	13	MR. PROST: Join.
14	Q. And I think some of them even dated back	14	A. You used the word "asbestiform." And
15	to 1972 or 1973.	15	I'm I'm acknowledging that there are rare or
16	A. Yes.	16	there are amphibole minerals, there are a few
17	Q. And you were shown some of the results	17	amphibole minerals that, in rare form, based on
18	in those logs.	18	their crystal habit and morphology, that are
19	I guess my general question to that is,	19	asbestos, and those would be actinolite asbestos,
20	without having to go back to them, is there	20	tremolite asbestos and anthophyllite asbestos.
21	anything that you saw in any of the core logs,	21	Q. (By Ms. O'Dell) And in relation to
22	whether or not they were Johnson & Johnson's from	22	serpentine, you were asked a number of questions by
23	the '70s, whether or not they were drill core logs	23	Imerys counsel regarding serpentine.
24	of Imerys from the 1990s or 2000s, was there	24	
25	•	25	And I'll ask you, isn't it true that there
25	anything that you saw that led you to believe that	45	are minerals by virtue of the fact that they have a
	Page 513		Page 515
1	the talc that Imerys was mining to supply to	1	certain morphology and crystalline structure
2	Johnson & Johnson contained asbestos?	2	that back up and try again.
3	MS. O'DELL: Object to the form.	3	In relation to serpentine, are there certain
4	A. No.	4	
5			subsets of serpentine minerals that, by virtue of
	MR. PROST: That's all I have.	5	their crystal-like structure, their fiber-like
6	MS. O'DELL: Give me can we go off the	6	their crystal-like structure, their fiber-like morphology, they are regarded as asbestos? True?
7	MS. O'DELL: Give me can we go off the record?	6 7	their crystal-like structure, their fiber-like morphology, they are regarded as asbestos? True? MR. PROST: Object to form. I said
7 8	MS. O'DELL: Give me can we go off the record? VIDEOGRAPHER: Off the record at 7 p.m.	6 7 8	their crystal-like structure, their fiber-like morphology, they are regarded as asbestos? True? MR. PROST: Object to form. I said "serpentinite," to clarify.
7 8 9	MS. O'DELL: Give me can we go off the record? VIDEOGRAPHER: Off the record at 7 p.m. (Recess taken.)	6 7 8 9	their crystal-like structure, their fiber-like morphology, they are regarded as asbestos? True? MR. PROST: Object to form. I said "serpentinite," to clarify. Q. (By Ms. O'Dell) Do you remember my
7 8 9 10	MS. O'DELL: Give me can we go off the record? VIDEOGRAPHER: Off the record at 7 p.m. (Recess taken.) VIDEOGRAPHER: We are back on the record at	6 7 8 9 10	their crystal-like structure, their fiber-like morphology, they are regarded as asbestos? True? MR. PROST: Object to form. I said "serpentinite," to clarify. Q. (By Ms. O'Dell) Do you remember my question?
7 8 9 10 11	MS. O'DELL: Give me can we go off the record? VIDEOGRAPHER: Off the record at 7 p.m. (Recess taken.) VIDEOGRAPHER: We are back on the record at 7:09.	6 7 8 9 10 11	their crystal-like structure, their fiber-like morphology, they are regarded as asbestos? True? MR. PROST: Object to form. I said "serpentinite," to clarify. Q. (By Ms. O'Dell) Do you remember my question? A. If you can read it back? No.
7 8 9 10 11 12	MS. O'DELL: Give me can we go off the record? VIDEOGRAPHER: Off the record at 7 p.m. (Recess taken.) VIDEOGRAPHER: We are back on the record at 7:09. EXAMINATION	6 7 8 9 10 11	their crystal-like structure, their fiber-like morphology, they are regarded as asbestos? True? MR. PROST: Object to form. I said "serpentinite," to clarify. Q. (By Ms. O'Dell) Do you remember my question? A. If you can read it back? No. Q. In regard to serpentinite minerals,
7 8 9 10 11 12 13	MS. O'DELL: Give me can we go off the record? VIDEOGRAPHER: Off the record at 7 p.m. (Recess taken.) VIDEOGRAPHER: We are back on the record at 7:09. EXAMINATION BY MS. O'DELL:	6 7 8 9 10 11 12	their crystal-like structure, their fiber-like morphology, they are regarded as asbestos? True? MR. PROST: Object to form. I said "serpentinite," to clarify. Q. (By Ms. O'Dell) Do you remember my question? A. If you can read it back? No. Q. In regard to serpentinite minerals, there's a subsection of those type of minerals that
7 8 9 10 11 12 13 14	MS. O'DELL: Give me can we go off the record? VIDEOGRAPHER: Off the record at 7 p.m. (Recess taken.) VIDEOGRAPHER: We are back on the record at 7:09. EXAMINATION BY MS. O'DELL: Q. Mr. Downey, you were asked a series of	6 7 8 9 10 11 12 13	their crystal-like structure, their fiber-like morphology, they are regarded as asbestos? True? MR. PROST: Object to form. I said "serpentinite," to clarify. Q. (By Ms. O'Dell) Do you remember my question? A. If you can read it back? No. Q. In regard to serpentinite minerals, there's a subsection of those type of minerals that due to their crystalline structure and morphology
7 8 9 10 11 12 13 14 15	MS. O'DELL: Give me can we go off the record? VIDEOGRAPHER: Off the record at 7 p.m. (Recess taken.) VIDEOGRAPHER: We are back on the record at 7:09. EXAMINATION BY MS. O'DELL: Q. Mr. Downey, you were asked a series of questions about	6 7 8 9 10 11 12 13 14 15	their crystal-like structure, their fiber-like morphology, they are regarded as asbestos? True? MR. PROST: Object to form. I said "serpentinite," to clarify. Q. (By Ms. O'Dell) Do you remember my question? A. If you can read it back? No. Q. In regard to serpentinite minerals, there's a subsection of those type of minerals that due to their crystalline structure and morphology are considered to be asbestos, true?
7 8 9 10 11 12 13 14 15	MS. O'DELL: Give me can we go off the record? VIDEOGRAPHER: Off the record at 7 p.m. (Recess taken.) VIDEOGRAPHER: We are back on the record at 7:09. EXAMINATION BY MS. O'DELL: Q. Mr. Downey, you were asked a series of questions about A. Are we back on?	6 7 8 9 10 11 12 13 14 15 16	their crystal-like structure, their fiber-like morphology, they are regarded as asbestos? True? MR. PROST: Object to form. I said "serpentinite," to clarify. Q. (By Ms. O'Dell) Do you remember my question? A. If you can read it back? No. Q. In regard to serpentinite minerals, there's a subsection of those type of minerals that due to their crystalline structure and morphology are considered to be asbestos, true? MR. LOCKE: Objection.
7 8 9 10 11 12 13 14 15 16	MS. O'DELL: Give me can we go off the record? VIDEOGRAPHER: Off the record at 7 p.m. (Recess taken.) VIDEOGRAPHER: We are back on the record at 7:09. EXAMINATION BY MS. O'DELL: Q. Mr. Downey, you were asked a series of questions about A. Are we back on? Q. Yes. Are you ready, Mr. Downey?	6 7 8 9 10 11 12 13 14 15 16	their crystal-like structure, their fiber-like morphology, they are regarded as asbestos? True? MR. PROST: Object to form. I said "serpentinite," to clarify. Q. (By Ms. O'Dell) Do you remember my question? A. If you can read it back? No. Q. In regard to serpentinite minerals, there's a subsection of those type of minerals that due to their crystalline structure and morphology are considered to be asbestos, true? MR. LOCKE: Objection. MR. PROST: Join.
7 8 9 10 11 12 13 14 15 16 17	MS. O'DELL: Give me can we go off the record? VIDEOGRAPHER: Off the record at 7 p.m. (Recess taken.) VIDEOGRAPHER: We are back on the record at 7:09. EXAMINATION BY MS. O'DELL: Q. Mr. Downey, you were asked a series of questions about A. Are we back on? Q. Yes. Are you ready, Mr. Downey? A. Yeah, I am.	6 7 8 9 10 11 12 13 14 15 16 17	their crystal-like structure, their fiber-like morphology, they are regarded as asbestos? True? MR. PROST: Object to form. I said "serpentinite," to clarify. Q. (By Ms. O'Dell) Do you remember my question? A. If you can read it back? No. Q. In regard to serpentinite minerals, there's a subsection of those type of minerals that due to their crystalline structure and morphology are considered to be asbestos, true? MR. LOCKE: Objection. MR. PROST: Join. A. You were talking in the plural. It's my
7 8 9 10 11 12 13 14 15 16	MS. O'DELL: Give me can we go off the record? VIDEOGRAPHER: Off the record at 7 p.m. (Recess taken.) VIDEOGRAPHER: We are back on the record at 7:09. EXAMINATION BY MS. O'DELL: Q. Mr. Downey, you were asked a series of questions about A. Are we back on? Q. Yes. Are you ready, Mr. Downey?	6 7 8 9 10 11 12 13 14 15 16	their crystal-like structure, their fiber-like morphology, they are regarded as asbestos? True? MR. PROST: Object to form. I said "serpentinite," to clarify. Q. (By Ms. O'Dell) Do you remember my question? A. If you can read it back? No. Q. In regard to serpentinite minerals, there's a subsection of those type of minerals that due to their crystalline structure and morphology are considered to be asbestos, true? MR. LOCKE: Objection. MR. PROST: Join. A. You were talking in the plural. It's my understanding that chrysotile is the asbestos
7 8 9 10 11 12 13 14 15 16 17	MS. O'DELL: Give me can we go off the record? VIDEOGRAPHER: Off the record at 7 p.m. (Recess taken.) VIDEOGRAPHER: We are back on the record at 7:09. EXAMINATION BY MS. O'DELL: Q. Mr. Downey, you were asked a series of questions about A. Are we back on? Q. Yes. Are you ready, Mr. Downey? A. Yeah, I am. Q. You were asked a series of questions about first I'll bring your attention to the	6 7 8 9 10 11 12 13 14 15 16 17	their crystal-like structure, their fiber-like morphology, they are regarded as asbestos? True? MR. PROST: Object to form. I said "serpentinite," to clarify. Q. (By Ms. O'Dell) Do you remember my question? A. If you can read it back? No. Q. In regard to serpentinite minerals, there's a subsection of those type of minerals that due to their crystalline structure and morphology are considered to be asbestos, true? MR. LOCKE: Objection. MR. PROST: Join. A. You were talking in the plural. It's my understanding that chrysotile is the asbestos variety of the serpentine minerals, and it's rare.
7 8 9 10 11 12 13 14 15 16 17 18	MS. O'DELL: Give me can we go off the record? VIDEOGRAPHER: Off the record at 7 p.m. (Recess taken.) VIDEOGRAPHER: We are back on the record at 7:09. EXAMINATION BY MS. O'DELL: Q. Mr. Downey, you were asked a series of questions about A. Are we back on? Q. Yes. Are you ready, Mr. Downey? A. Yeah, I am. Q. You were asked a series of questions about first I'll bring your attention to the word "amphiboles." You were asked the question	6 7 8 9 10 11 12 13 14 15 16 17 18	their crystal-like structure, their fiber-like morphology, they are regarded as asbestos? True? MR. PROST: Object to form. I said "serpentinite," to clarify. Q. (By Ms. O'Dell) Do you remember my question? A. If you can read it back? No. Q. In regard to serpentinite minerals, there's a subsection of those type of minerals that due to their crystalline structure and morphology are considered to be asbestos, true? MR. LOCKE: Objection. MR. PROST: Join. A. You were talking in the plural. It's my understanding that chrysotile is the asbestos
7 8 9 10 11 12 13 14 15 16 17 18 19 20	MS. O'DELL: Give me can we go off the record? VIDEOGRAPHER: Off the record at 7 p.m. (Recess taken.) VIDEOGRAPHER: We are back on the record at 7:09. EXAMINATION BY MS. O'DELL: Q. Mr. Downey, you were asked a series of questions about A. Are we back on? Q. Yes. Are you ready, Mr. Downey? A. Yeah, I am. Q. You were asked a series of questions about first I'll bring your attention to the word "amphiboles." You were asked the question about the type of rock referred to as "amphibole."	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	their crystal-like structure, their fiber-like morphology, they are regarded as asbestos? True? MR. PROST: Object to form. I said "serpentinite," to clarify. Q. (By Ms. O'Dell) Do you remember my question? A. If you can read it back? No. Q. In regard to serpentinite minerals, there's a subsection of those type of minerals that due to their crystalline structure and morphology are considered to be asbestos, true? MR. LOCKE: Objection. MR. PROST: Join. A. You were talking in the plural. It's my understanding that chrysotile is the asbestos variety of the serpentine minerals, and it's rare. Q. (By Ms. O'Dell) Okay. I'd ask you to turn to Exhibit 11, please. Do you recall this
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MS. O'DELL: Give me can we go off the record? VIDEOGRAPHER: Off the record at 7 p.m. (Recess taken.) VIDEOGRAPHER: We are back on the record at 7:09. EXAMINATION BY MS. O'DELL: Q. Mr. Downey, you were asked a series of questions about A. Are we back on? Q. Yes. Are you ready, Mr. Downey? A. Yeah, I am. Q. You were asked a series of questions about first I'll bring your attention to the word "amphiboles." You were asked the question about the type of rock referred to as "amphibole." I understood your testimony to be the	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	their crystal-like structure, their fiber-like morphology, they are regarded as asbestos? True? MR. PROST: Object to form. I said "serpentinite," to clarify. Q. (By Ms. O'Dell) Do you remember my question? A. If you can read it back? No. Q. In regard to serpentinite minerals, there's a subsection of those type of minerals that due to their crystalline structure and morphology are considered to be asbestos, true? MR. LOCKE: Objection. MR. PROST: Join. A. You were talking in the plural. It's my understanding that chrysotile is the asbestos variety of the serpentine minerals, and it's rare. Q. (By Ms. O'Dell) Okay. I'd ask you to
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MS. O'DELL: Give me can we go off the record? VIDEOGRAPHER: Off the record at 7 p.m. (Recess taken.) VIDEOGRAPHER: We are back on the record at 7:09. EXAMINATION BY MS. O'DELL: Q. Mr. Downey, you were asked a series of questions about A. Are we back on? Q. Yes. Are you ready, Mr. Downey? A. Yeah, I am. Q. You were asked a series of questions about first I'll bring your attention to the word "amphiboles." You were asked the question about the type of rock referred to as "amphibole."	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	their crystal-like structure, their fiber-like morphology, they are regarded as asbestos? True? MR. PROST: Object to form. I said "serpentinite," to clarify. Q. (By Ms. O'Dell) Do you remember my question? A. If you can read it back? No. Q. In regard to serpentinite minerals, there's a subsection of those type of minerals that due to their crystalline structure and morphology are considered to be asbestos, true? MR. LOCKE: Objection. MR. PROST: Join. A. You were talking in the plural. It's my understanding that chrysotile is the asbestos variety of the serpentine minerals, and it's rare. Q. (By Ms. O'Dell) Okay. I'd ask you to turn to Exhibit 11, please. Do you recall this

65 (Pages 512 to 515)

1	Page 516		Page 518
1	A. I think it includes talc mines in	1	recall that?
2	Vermont and other mines as well.	2	A. Yes.
3	Q. And I asked you a series of questions as	3	Q. Technical report. It's from the
4	they relate to the talc mines in Vermont.	4	Argonaut historical development drilling sample.
5	Do you recall that line of questions?	5	We went over this in detail. R98-9. And in this
6	A. Not specifically at this time. I	6	instance, this sample from Argonaut confirmed
7	remember seeing this document. I don't remember	7	excuse me the analysis of this sample from
8	the questions you asked.	8	Argonaut confirmed that tremolite was present in
9	Q. And this is a geological analysis. You	9	the sample and was roughly approximately to be 4
10	recall this. We established this on the record. A	10	percent of and I'm adding these words 4
11	geological analysis of the talc mines in Vermont as	11	percent, and that would be 4 percent of the sample,
12	well as some other parts of the country, but it	12	correct?
13	certainly covered Vermont, true?	13	A. It says that tremolite was detected. It
14	A. If you say that we established it was a	14	*
	I		says 4 percent. There's no indication that this
15	geological analysis, this is titled "Cyprus Ore	15	was ore. It says it was from a drilling sample.
16	Reserve Evaluation."	16	And it doesn't have any mention of asbestos. It
17	Q. Okay. Turn to page 2 of this document.	17	says "tremolite."
18	It says, "Fibrous minerals"; do you see that at the	18	MR. SILVER: Leigh, time's up. You can ask
19	bottom of the page?	19	one more question, but we actually let you run
20	A. Yes.	20	over.
21	Q. "Tremolite and actinolite are ubiquitous	21	MS. O'DELL: Fair. Part of my time was
22	in several zones of the Vermont mines"; do you	22	looking for the exhibit, but okay.
23	recall that?	23	MR. SILVER: That's why I let you go over.
24	A. Yes.	24	Q. (By Ms. O'Dell) It's your testimony on
25	Q. Fibrous tremolite is asbestos, correct?	25	behalf of Imerys that this test result that states
	Page 517		Page 519
1	A D DD COTT CLL		
	MR. PROST: Object to form.	1	it confirmed that the sample from this core was
2	MR. PROST: Object to form. A. It actually depends on the crystal	1 2	it confirmed that the sample from this core was tremolite does not mean it is asbestos tremolite;
2 3	A. It actually depends on the crystal		tremolite does not mean it is asbestos tremolite;
	A. It actually depends on the crystal habit, the crystal morphology. Just the term	2	tremolite does not mean it is asbestos tremolite; is that your testimony?
3	A. It actually depends on the crystal habit, the crystal morphology. Just the term "fibrous" alone and "tremolite" together, to me,	2 3 4	tremolite does not mean it is asbestos tremolite; is that your testimony? A. As written here, it says "tremolite."
3 4	A. It actually depends on the crystal habit, the crystal morphology. Just the term "fibrous" alone and "tremolite" together, to me, does not indicate asbestos.	2	tremolite does not mean it is asbestos tremolite; is that your testimony? A. As written here, it says "tremolite." Q. And in your mind, unless the word was
3 4 5 6	A. It actually depends on the crystal habit, the crystal morphology. Just the term "fibrous" alone and "tremolite" together, to me, does not indicate asbestos. Q. (By Ms. O'Dell) Maybe it doesn't	2 3 4 5 6	tremolite does not mean it is asbestos tremolite; is that your testimony? A. As written here, it says "tremolite." Q. And in your mind, unless the word was "tremolite with asbestos," that would that
3 4 5	A. It actually depends on the crystal habit, the crystal morphology. Just the term "fibrous" alone and "tremolite" together, to me, does not indicate asbestos. Q. (By Ms. O'Dell) Maybe it doesn't indicate it's asbestos for sure after having been	2 3 4 5	tremolite does not mean it is asbestos tremolite; is that your testimony? A. As written here, it says "tremolite." Q. And in your mind, unless the word was "tremolite with asbestos," that would that let me back up and try again, the last question.
3 4 5 6 7 8	A. It actually depends on the crystal habit, the crystal morphology. Just the term "fibrous" alone and "tremolite" together, to me, does not indicate asbestos. Q. (By Ms. O'Dell) Maybe it doesn't indicate it's asbestos for sure after having been confirmed by TEM or some other type microscopic	2 3 4 5 6 7 8	tremolite does not mean it is asbestos tremolite; is that your testimony? A. As written here, it says "tremolite." Q. And in your mind, unless the word was "tremolite with asbestos," that would that let me back up and try again, the last question. In your mind, unless "tremolite" is coupled
3 4 5 6 7 8	A. It actually depends on the crystal habit, the crystal morphology. Just the term "fibrous" alone and "tremolite" together, to me, does not indicate asbestos. Q. (By Ms. O'Dell) Maybe it doesn't indicate it's asbestos for sure after having been confirmed by TEM or some other type microscopic analysis, but in general, tremolite asbestos is a	2 3 4 5 6 7 8 9	tremolite does not mean it is asbestos tremolite; is that your testimony? A. As written here, it says "tremolite." Q. And in your mind, unless the word was "tremolite with asbestos," that would that let me back up and try again, the last question. In your mind, unless "tremolite" is coupled with the term "asbestos" in the same sentence, it's
3 4 5 6 7 8 9	A. It actually depends on the crystal habit, the crystal morphology. Just the term "fibrous" alone and "tremolite" together, to me, does not indicate asbestos. Q. (By Ms. O'Dell) Maybe it doesn't indicate it's asbestos for sure after having been confirmed by TEM or some other type microscopic analysis, but in general, tremolite asbestos is a fibrous mineral, true?	2 3 4 5 6 7 8 9	tremolite does not mean it is asbestos tremolite; is that your testimony? A. As written here, it says "tremolite." Q. And in your mind, unless the word was "tremolite with asbestos," that would that let me back up and try again, the last question. In your mind, unless "tremolite" is coupled with the term "asbestos" in the same sentence, it's not asbestos.
3 4 5 6 7 8 9 10	A. It actually depends on the crystal habit, the crystal morphology. Just the term "fibrous" alone and "tremolite" together, to me, does not indicate asbestos. Q. (By Ms. O'Dell) Maybe it doesn't indicate it's asbestos for sure after having been confirmed by TEM or some other type microscopic analysis, but in general, tremolite asbestos is a fibrous mineral, true? MR. PROST: Object to form.	2 3 4 5 6 7 8 9 10	tremolite does not mean it is asbestos tremolite; is that your testimony? A. As written here, it says "tremolite." Q. And in your mind, unless the word was "tremolite with asbestos," that would that let me back up and try again, the last question. In your mind, unless "tremolite" is coupled with the term "asbestos" in the same sentence, it's not asbestos. Is that your opinion?
3 4 5 6 7 8 9 10 11 12	A. It actually depends on the crystal habit, the crystal morphology. Just the term "fibrous" alone and "tremolite" together, to me, does not indicate asbestos. Q. (By Ms. O'Dell) Maybe it doesn't indicate it's asbestos for sure after having been confirmed by TEM or some other type microscopic analysis, but in general, tremolite asbestos is a fibrous mineral, true? MR. PROST: Object to form. A. Tremolite asbestos is a mineral that has	2 3 4 5 6 7 8 9 10 11 12	tremolite does not mean it is asbestos tremolite; is that your testimony? A. As written here, it says "tremolite." Q. And in your mind, unless the word was "tremolite with asbestos," that would that let me back up and try again, the last question. In your mind, unless "tremolite" is coupled with the term "asbestos" in the same sentence, it's not asbestos. Is that your opinion? MS. O'DELL: Object to form.
3 4 5 6 7 8 9 10 11 12 13	A. It actually depends on the crystal habit, the crystal morphology. Just the term "fibrous" alone and "tremolite" together, to me, does not indicate asbestos. Q. (By Ms. O'Dell) Maybe it doesn't indicate it's asbestos for sure after having been confirmed by TEM or some other type microscopic analysis, but in general, tremolite asbestos is a fibrous mineral, true? MR. PROST: Object to form. A. Tremolite asbestos is a mineral that has very distinguishing characteristics about its	2 3 4 5 6 7 8 9 10 11 12 13	tremolite does not mean it is asbestos tremolite; is that your testimony? A. As written here, it says "tremolite." Q. And in your mind, unless the word was "tremolite with asbestos," that would that let me back up and try again, the last question. In your mind, unless "tremolite" is coupled with the term "asbestos" in the same sentence, it's not asbestos. Is that your opinion? MS. O'DELL: Object to form. Q. (By Ms. O'Dell) Or is that your
3 4 5 6 7 8 9 10 11 12 13	A. It actually depends on the crystal habit, the crystal morphology. Just the term "fibrous" alone and "tremolite" together, to me, does not indicate asbestos. Q. (By Ms. O'Dell) Maybe it doesn't indicate it's asbestos for sure after having been confirmed by TEM or some other type microscopic analysis, but in general, tremolite asbestos is a fibrous mineral, true? MR. PROST: Object to form. A. Tremolite asbestos is a mineral that has very distinguishing characteristics about its fibrous nature as well as the exhibition of the	2 3 4 5 6 7 8 9 10 11 12 13 14	tremolite does not mean it is asbestos tremolite; is that your testimony? A. As written here, it says "tremolite." Q. And in your mind, unless the word was "tremolite with asbestos," that would that let me back up and try again, the last question. In your mind, unless "tremolite" is coupled with the term "asbestos" in the same sentence, it's not asbestos. Is that your opinion? MS. O'DELL: Object to form. Q. (By Ms. O'Dell) Or is that your testimony on behalf of Imerys?
3 4 5 6 7 8 9 10 11 12 13 14 15	A. It actually depends on the crystal habit, the crystal morphology. Just the term "fibrous" alone and "tremolite" together, to me, does not indicate asbestos. Q. (By Ms. O'Dell) Maybe it doesn't indicate it's asbestos for sure after having been confirmed by TEM or some other type microscopic analysis, but in general, tremolite asbestos is a fibrous mineral, true? MR. PROST: Object to form. A. Tremolite asbestos is a mineral that has very distinguishing characteristics about its fibrous nature as well as the exhibition of the fibers, that they are easily separable. They're	2 3 4 5 6 7 8 9 10 11 12 13 14 15	tremolite does not mean it is asbestos tremolite; is that your testimony? A. As written here, it says "tremolite." Q. And in your mind, unless the word was "tremolite with asbestos," that would that let me back up and try again, the last question. In your mind, unless "tremolite" is coupled with the term "asbestos" in the same sentence, it's not asbestos. Is that your opinion? MS. O'DELL: Object to form. Q. (By Ms. O'Dell) Or is that your testimony on behalf of Imerys? A. You were asking me specifically about
3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. It actually depends on the crystal habit, the crystal morphology. Just the term "fibrous" alone and "tremolite" together, to me, does not indicate asbestos. Q. (By Ms. O'Dell) Maybe it doesn't indicate it's asbestos for sure after having been confirmed by TEM or some other type microscopic analysis, but in general, tremolite asbestos is a fibrous mineral, true? MR. PROST: Object to form. A. Tremolite asbestos is a mineral that has very distinguishing characteristics about its fibrous nature as well as the exhibition of the fibers, that they are easily separable. They're flexible. They're chemically and thermally	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	tremolite does not mean it is asbestos tremolite; is that your testimony? A. As written here, it says "tremolite." Q. And in your mind, unless the word was "tremolite with asbestos," that would that let me back up and try again, the last question. In your mind, unless "tremolite" is coupled with the term "asbestos" in the same sentence, it's not asbestos. Is that your opinion? MS. O'DELL: Object to form. Q. (By Ms. O'Dell) Or is that your testimony on behalf of Imerys? A. You were asking me specifically about this document. This has no other reference other
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. It actually depends on the crystal habit, the crystal morphology. Just the term "fibrous" alone and "tremolite" together, to me, does not indicate asbestos. Q. (By Ms. O'Dell) Maybe it doesn't indicate it's asbestos for sure after having been confirmed by TEM or some other type microscopic analysis, but in general, tremolite asbestos is a fibrous mineral, true? MR. PROST: Object to form. A. Tremolite asbestos is a mineral that has very distinguishing characteristics about its fibrous nature as well as the exhibition of the fibers, that they are easily separable. They're flexible. They're chemically and thermally resistant. So just the term "fiber" alone, to me,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	tremolite does not mean it is asbestos tremolite; is that your testimony? A. As written here, it says "tremolite." Q. And in your mind, unless the word was "tremolite with asbestos," that would that let me back up and try again, the last question. In your mind, unless "tremolite" is coupled with the term "asbestos" in the same sentence, it's not asbestos. Is that your opinion? MS. O'DELL: Object to form. Q. (By Ms. O'Dell) Or is that your testimony on behalf of Imerys? A. You were asking me specifically about this document. This has no other reference other than "tremolite."
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. It actually depends on the crystal habit, the crystal morphology. Just the term "fibrous" alone and "tremolite" together, to me, does not indicate asbestos. Q. (By Ms. O'Dell) Maybe it doesn't indicate it's asbestos for sure after having been confirmed by TEM or some other type microscopic analysis, but in general, tremolite asbestos is a fibrous mineral, true? MR. PROST: Object to form. A. Tremolite asbestos is a mineral that has very distinguishing characteristics about its fibrous nature as well as the exhibition of the fibers, that they are easily separable. They're flexible. They're chemically and thermally resistant. So just the term "fiber" alone, to me, does not indicate it's asbestos.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	tremolite does not mean it is asbestos tremolite; is that your testimony? A. As written here, it says "tremolite." Q. And in your mind, unless the word was "tremolite with asbestos," that would that let me back up and try again, the last question. In your mind, unless "tremolite" is coupled with the term "asbestos" in the same sentence, it's not asbestos. Is that your opinion? MS. O'DELL: Object to form. Q. (By Ms. O'Dell) Or is that your testimony on behalf of Imerys? A. You were asking me specifically about this document. This has no other reference other than "tremolite." Q. (By Ms. O'Dell) And in your mind,
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. It actually depends on the crystal habit, the crystal morphology. Just the term "fibrous" alone and "tremolite" together, to me, does not indicate asbestos. Q. (By Ms. O'Dell) Maybe it doesn't indicate it's asbestos for sure after having been confirmed by TEM or some other type microscopic analysis, but in general, tremolite asbestos is a fibrous mineral, true? MR. PROST: Object to form. A. Tremolite asbestos is a mineral that has very distinguishing characteristics about its fibrous nature as well as the exhibition of the fibers, that they are easily separable. They're flexible. They're chemically and thermally resistant. So just the term "fiber" alone, to me, does not indicate it's asbestos. Q. (By Ms. O'Dell) Okay. Well, do you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	tremolite does not mean it is asbestos tremolite; is that your testimony? A. As written here, it says "tremolite." Q. And in your mind, unless the word was "tremolite with asbestos," that would that let me back up and try again, the last question. In your mind, unless "tremolite" is coupled with the term "asbestos" in the same sentence, it's not asbestos. Is that your opinion? MS. O'DELL: Object to form. Q. (By Ms. O'Dell) Or is that your testimony on behalf of Imerys? A. You were asking me specifically about this document. This has no other reference other than "tremolite." Q. (By Ms. O'Dell) And in your mind, unless "asbestos" had followed "tremolite" in this
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. It actually depends on the crystal habit, the crystal morphology. Just the term "fibrous" alone and "tremolite" together, to me, does not indicate asbestos. Q. (By Ms. O'Dell) Maybe it doesn't indicate it's asbestos for sure after having been confirmed by TEM or some other type microscopic analysis, but in general, tremolite asbestos is a fibrous mineral, true? MR. PROST: Object to form. A. Tremolite asbestos is a mineral that has very distinguishing characteristics about its fibrous nature as well as the exhibition of the fibers, that they are easily separable. They're flexible. They're chemically and thermally resistant. So just the term "fiber" alone, to me, does not indicate it's asbestos. Q. (By Ms. O'Dell) Okay. Well, do you recall Exhibit 34? We went over that earlier	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	tremolite does not mean it is asbestos tremolite; is that your testimony? A. As written here, it says "tremolite." Q. And in your mind, unless the word was "tremolite with asbestos," that would that let me back up and try again, the last question. In your mind, unless "tremolite" is coupled with the term "asbestos" in the same sentence, it's not asbestos. Is that your opinion? MS. O'DELL: Object to form. Q. (By Ms. O'Dell) Or is that your testimony on behalf of Imerys? A. You were asking me specifically about this document. This has no other reference other than "tremolite." Q. (By Ms. O'Dell) And in your mind, unless "asbestos" had followed "tremolite" in this PLM analysis, that does not mean it is asbestos,
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. It actually depends on the crystal habit, the crystal morphology. Just the term "fibrous" alone and "tremolite" together, to me, does not indicate asbestos. Q. (By Ms. O'Dell) Maybe it doesn't indicate it's asbestos for sure after having been confirmed by TEM or some other type microscopic analysis, but in general, tremolite asbestos is a fibrous mineral, true? MR. PROST: Object to form. A. Tremolite asbestos is a mineral that has very distinguishing characteristics about its fibrous nature as well as the exhibition of the fibers, that they are easily separable. They're flexible. They're chemically and thermally resistant. So just the term "fiber" alone, to me, does not indicate it's asbestos. Q. (By Ms. O'Dell) Okay. Well, do you recall Exhibit 34? We went over that earlier today. It should be in front of you.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	tremolite does not mean it is asbestos tremolite; is that your testimony? A. As written here, it says "tremolite." Q. And in your mind, unless the word was "tremolite with asbestos," that would that let me back up and try again, the last question. In your mind, unless "tremolite" is coupled with the term "asbestos" in the same sentence, it's not asbestos. Is that your opinion? MS. O'DELL: Object to form. Q. (By Ms. O'Dell) Or is that your testimony on behalf of Imerys? A. You were asking me specifically about this document. This has no other reference other than "tremolite." Q. (By Ms. O'Dell) And in your mind, unless "asbestos" had followed "tremolite" in this PLM analysis, that does not mean it is asbestos, correct?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. It actually depends on the crystal habit, the crystal morphology. Just the term "fibrous" alone and "tremolite" together, to me, does not indicate asbestos. Q. (By Ms. O'Dell) Maybe it doesn't indicate it's asbestos for sure after having been confirmed by TEM or some other type microscopic analysis, but in general, tremolite asbestos is a fibrous mineral, true? MR. PROST: Object to form. A. Tremolite asbestos is a mineral that has very distinguishing characteristics about its fibrous nature as well as the exhibition of the fibers, that they are easily separable. They're flexible. They're chemically and thermally resistant. So just the term "fiber" alone, to me, does not indicate it's asbestos. Q. (By Ms. O'Dell) Okay. Well, do you recall Exhibit 34? We went over that earlier today. It should be in front of you. A. I have 37.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	tremolite does not mean it is asbestos tremolite; is that your testimony? A. As written here, it says "tremolite." Q. And in your mind, unless the word was "tremolite with asbestos," that would that let me back up and try again, the last question. In your mind, unless "tremolite" is coupled with the term "asbestos" in the same sentence, it's not asbestos. Is that your opinion? MS. O'DELL: Object to form. Q. (By Ms. O'Dell) Or is that your testimony on behalf of Imerys? A. You were asking me specifically about this document. This has no other reference other than "tremolite." Q. (By Ms. O'Dell) And in your mind, unless "asbestos" had followed "tremolite" in this PLM analysis, that does not mean it is asbestos, correct? A. I'm sorry. The there's no other
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. It actually depends on the crystal habit, the crystal morphology. Just the term "fibrous" alone and "tremolite" together, to me, does not indicate asbestos. Q. (By Ms. O'Dell) Maybe it doesn't indicate it's asbestos for sure after having been confirmed by TEM or some other type microscopic analysis, but in general, tremolite asbestos is a fibrous mineral, true? MR. PROST: Object to form. A. Tremolite asbestos is a mineral that has very distinguishing characteristics about its fibrous nature as well as the exhibition of the fibers, that they are easily separable. They're flexible. They're chemically and thermally resistant. So just the term "fiber" alone, to me, does not indicate it's asbestos. Q. (By Ms. O'Dell) Okay. Well, do you recall Exhibit 34? We went over that earlier today. It should be in front of you. A. I have 37. MR. SILVER: 34 was on one of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	tremolite does not mean it is asbestos tremolite; is that your testimony? A. As written here, it says "tremolite." Q. And in your mind, unless the word was "tremolite with asbestos," that would that let me back up and try again, the last question. In your mind, unless "tremolite" is coupled with the term "asbestos" in the same sentence, it's not asbestos. Is that your opinion? MS. O'DELL: Object to form. Q. (By Ms. O'Dell) Or is that your testimony on behalf of Imerys? A. You were asking me specifically about this document. This has no other reference other than "tremolite." Q. (By Ms. O'Dell) And in your mind, unless "asbestos" had followed "tremolite" in this PLM analysis, that does not mean it is asbestos, correct? A. I'm sorry. The there's no other characteristic described, whether it says
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. It actually depends on the crystal habit, the crystal morphology. Just the term "fibrous" alone and "tremolite" together, to me, does not indicate asbestos. Q. (By Ms. O'Dell) Maybe it doesn't indicate it's asbestos for sure after having been confirmed by TEM or some other type microscopic analysis, but in general, tremolite asbestos is a fibrous mineral, true? MR. PROST: Object to form. A. Tremolite asbestos is a mineral that has very distinguishing characteristics about its fibrous nature as well as the exhibition of the fibers, that they are easily separable. They're flexible. They're chemically and thermally resistant. So just the term "fiber" alone, to me, does not indicate it's asbestos. Q. (By Ms. O'Dell) Okay. Well, do you recall Exhibit 34? We went over that earlier today. It should be in front of you. A. I have 37.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	tremolite does not mean it is asbestos tremolite; is that your testimony? A. As written here, it says "tremolite." Q. And in your mind, unless the word was "tremolite with asbestos," that would that let me back up and try again, the last question. In your mind, unless "tremolite" is coupled with the term "asbestos" in the same sentence, it's not asbestos. Is that your opinion? MS. O'DELL: Object to form. Q. (By Ms. O'Dell) Or is that your testimony on behalf of Imerys? A. You were asking me specifically about this document. This has no other reference other than "tremolite." Q. (By Ms. O'Dell) And in your mind, unless "asbestos" had followed "tremolite" in this PLM analysis, that does not mean it is asbestos, correct? A. I'm sorry. The there's no other

66 (Pages 516 to 519)

Case 3:16-md-02738-MAS-RLS Document 9867-25 Filed 05/29/19 Page 68 of 68 PageID: 51759 Patrick Downey

	Page 520	Page 522
1		1 REPORTER'S CERTIFICATE
2	would be able to say yes or no, but just	STATE OF COLORADO) ss.
	"tremolite" on its own does not, to me, indicate	2 COUNTY OF DENVER)
3	asbestos. I'm sorry. I can't agree to that.	3
4	MR. SILVER: Time's up.	I, MELANIE L. GIAMARCO, do hereby certify
5	MS. O'DELL: No more questions.	5 that I am a Registered Professional Reporter and
6	MR. PROST: Can I just have a minute to see	6 Notary Public within the State of Colorado; that
7	if I have anymore, talk to counsel?	7 previous to the commencement of the examination,
8	MS. O'DELL: Okay.	the deponent was duly sworn by me.
9	VIDEOGRAPHER: Off the record at 7:21.	9 I further certify that this deposition was 10 taken in machine shorthand by me at the time and
10	(Recess taken.)	place herein set forth, that it was thereafter
11	VIDEOGRAPHER: We are back on the record	reduced to typewritten form, and that the foregoing
12	at 7:23.	constitutes a true and correct transcript of the
13	MS. O'DELL: No more questions.	14 proceedings had.
14	VIDEOGRAPHER: Okay. That concludes today's	
15	proceeding, and we are off the record at 7:23.	related to, nor of counsel for any of the parties
16	(Exhibit 64 was marked for identification.)	herein, nor otherwise interested in the result of
17	(Whereupon, the deposition was concluded at	18 the within litigation.
18	7:23 p.m. on August 8, 2018.)	In witness whereof, I have affixed my signature this 21st day of August, 2018.
19		21
20		22
21		Melanie L. Giamarco
22		23 Registered Professional Reporter
23		Registered Merit Reporter
24		24 Certified Realtime Reporter
25		My commission expires: August 21, 2021
		25 Notary ID: 20014025991
	Page 521	
1	I, PATRICK DOWNEY, do hereby certify that I	
2	have read the foregoing transcript and that the	
3	same and accompanying amendment sheets, if any,	
4	constitute a true and complete record of my	
5	testimony.	
6		
7		
8		
9	DATRICK DOWNEY	
10	PATRICK DOWNEY	
10	() No Amendments	
11	() Amendments Attached	
12	Subscribed and sworn to before me	
13	this day of, 2018.	
14	, 2010.	
15	Notary Public:	
16	Address:	
17		
18	My commission expires:	
19	Seal:	
20		
21		
22		
23	MLG	
24		
25		

67 (Pages 520 to 522)